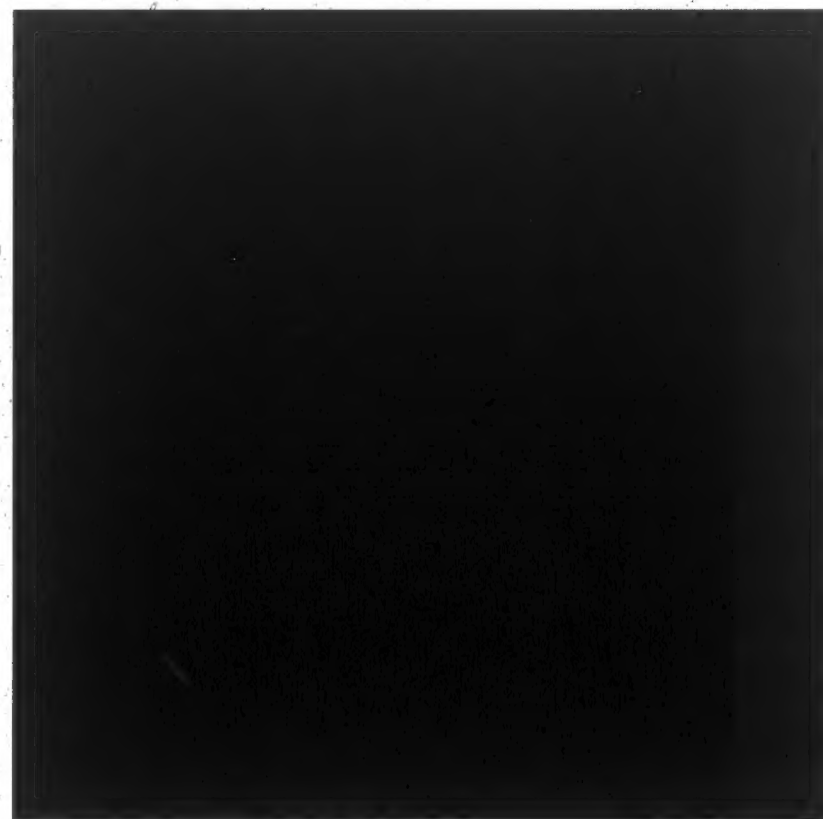
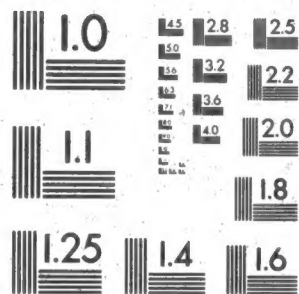
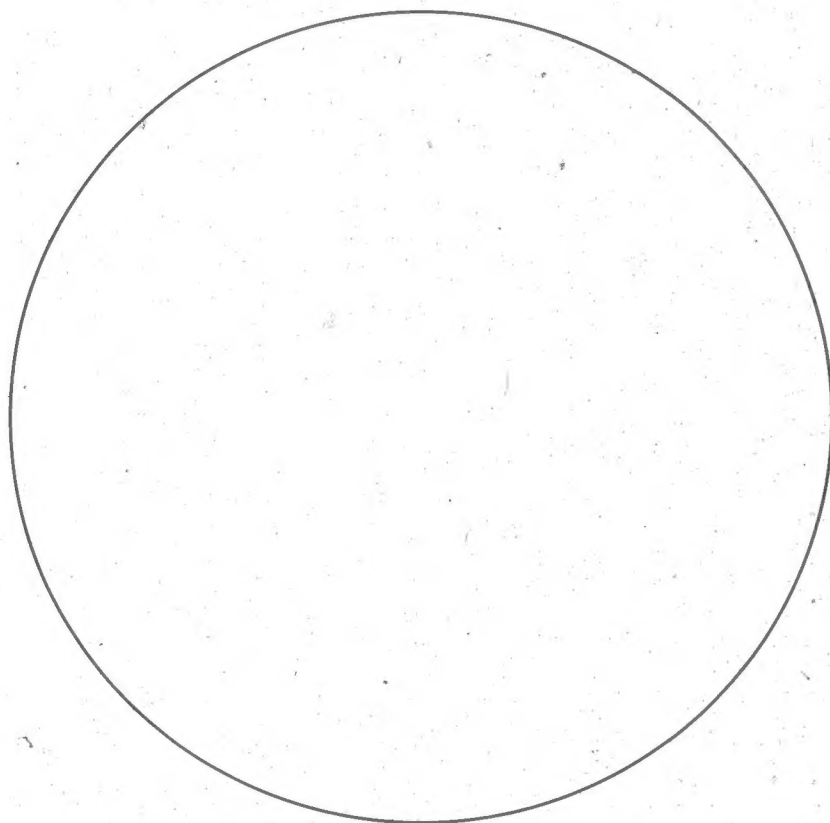
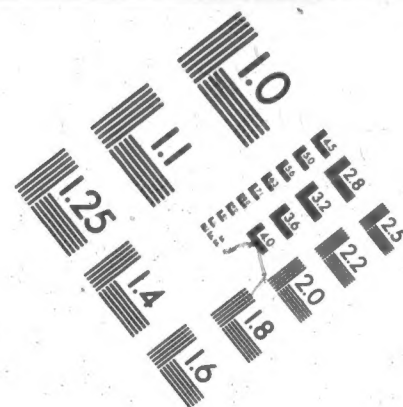
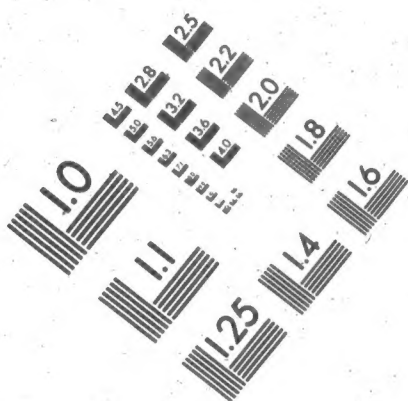




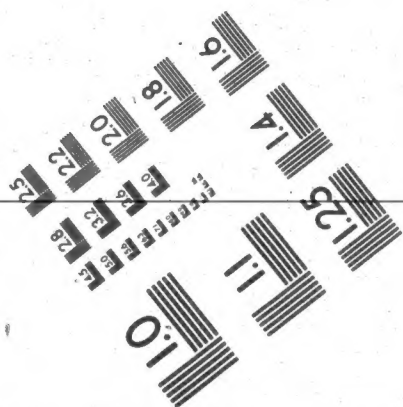
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**APPLICATIONS^o FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES**

1898 - 1914

ROLL 129

MISSISSIPPI CHOCTAW MCR 3765 - 3864

**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Choctaw MCR 3765

James A. Martin

See MCR 3772

MCR 3765

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 18, 1901.

#3765.

In the matter of the application of James A. Martin
for the identification of himself and his minor child as Mississippi
Choctaw.

Applicant not represented by Attorney.

James A. Martin, being first duly sworn, upon his
oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A James A. Martin.
Q What is your age? A Thirty years.
Q What is your post office address? A White Mound, Texas.
Q How long have you lived there? A I was born and raised right
there close.
Q What is your father's name? A Augustus Martin.
Q Augustus? A Yes sir.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Martin.
Q Living? A No sir, dead.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much do you claim? A I claim a sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians by either the Choctaw
Tribal Authorities or the United States Authorities in the Indian
Territory? A No sir.
Q You claim nothing through your father---he is a white man is
he? A Yes sir.
Q Your mother---how much Choctaw blood do you claim through
her? A Well, we claim her to be an eighth. That's just hearsay
and this is hearsay---a sixteenth. That's what we are taught.
Q Who taught you that? A Well my uncle---I was so small I don't
recollect my mother.
Q What did your uncle say about it? A Well, he claimed to be an

(2).

- eighth.
- Q He was your mother's sister? A yes sir----brother.
- Q Your mother's brother? A Yes sir.
- Q Is he living now? A Yes sir.
- Q Has he made application for identification before the Commission? A Yes sir.
- Q What is his name? A It's there----I. B. Allen or Isaac B. Allen. I don't know how he give it----Bryant Allen.
- Q He has been before the Commission? A Yes sir.
- Q Any others of your relatives been here for identification? A Yes sir.
- Q Whom? A My brother here.
- Q What is his name? A Henry G. Martin.
- Q He appeared to-day, October 15? A Yes sir.
- Q Any others? A Well, my uncle, and then some related. I don't know what relatin' they are----Spurlings and Waldrops. I don't know what relation they are----they're away off.
- Q W-a-l-d-r-o-p----they claim through the same common ancestor as you? A Yes sir.
- Q And through whom do you claim? A William Allen.
- Q William Allen? A Yes sir.
- Q His son was Green Allen? A Yes sir.
- Q And then his daughter was whom? A Mary Allen----my mother.
- Q Your mother? A Yes sir.
- Q When did your mother die? A She died in '76----November first.
- Q How old was she then? A Forty-two.
- Q She was born after 1830, was she not? A '34.
- Q She was born in 1834? A Yes sir.
- Q Do you know where she was born? A Well no, I don't know where.
- Q Do you know whether she lived in the state of Mississippi? A No, I don't know.
- Q Her father was Green Allen? A Yes sir.
- Q Do you know if he ever lived in the state of Mississippi? A Do not.
- Q Did he ever live in Alabama? A Well, I couldn't tell you.
- Q His father----William Allen----where did he live? A I couldn't tell you that.
- Q you don't know whether William Allen or Green Allen ever lived in Mississippi or Alabama? A No sir, I don't know.
- Q Do you know when William was born or when he died? A No sir.
- Q How old he was when he died? A No sir.
- Q Or Green Allen? A No sir.
- Q Are you married? A yes sir.
- Q What is your wife's name? A Rinda Martin.
- Q How do you spell it? A R-i-n-d-a.
- Q What is her blood? A White.
- Q She's a white woman? A Yes sir.
- Q Do you make claim for her? A No sir.
- Q How many children have you under twenty-one years of age and unmarried? A One.
- Q What is that child's name? A Trula.
- Q How do you spell it? A T-r-u-l-a.
- Q Trula Martin? A Yes si r----nearly seven months.
- Q Is that all you have----all the children? A That's all I have.
- Q Is Rinda Martin the mother of this child? A Yes sir.
- Q You claim for yourself and this child do you? A Yes sir.
- Q Was your wife Rinda ever married before her marriage to you? A No sir.
- Q Were you ever married before you married her? A No sir.

(3).

- Q Were you married to her under a license by a minister? A Yes sir.
- Q When and where were you married? A I was married in Collin County----McKinney, Collin County.
- Q What State? A Texas. January 27, '93.
- Q Have you your marriage license and certificate? A No sir, I havn't.
- Q Think you can produce it? A Yes sir. I sent for that but I hadn't got it when I left.
- Q Reasonable time will be allowed you in which to file it in order to support the claim you make for this child. A Yes sir.
- Q Also proof of the marriage of your father and mother. A yes sir. I don't know whether we can get it or not---we'll try. If we can't get the license would witnesses do as well?
- Q If they were present. Witnesses who were present at the marriage two or more. A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Did you ever make application to any authority whatever before this, for enrollment to citizenship in the Choctaw Nation? A No sir.
- Q This is the first application you have made? A First application yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation placed there by either the Dawes Commission, the Choctaw Tribal Authorities or the United States Court? A No sir.
- Q It is not? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of your child as a Mississippi Choctaw under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article of that treaty? A Not any more than what I have heard read here to-day.
- Q Do you want to have it read and explained again? A Yes sir, read it and explain it to me.
- Q Well, that treaty was made between the Choctaw Nation and the United States Government on the twenty-seventh day of September, eighteen hundred and thirty, at a place called Dancing Rabbit Creek, in Mississippi, for the purpose of removing the Choctaw Indians from Mississippi and Alabama, that is from the old Choctaw Nation in those two states to the new Choctaw Nation Indian Territory. Before the treaty was signed it became evidenced that a good many Indians wouldn't go to the Choctaw Nation West of the Mississippi River, and in order that their interests might be protected and might not suffer under that treaty article fourteen was put into the treaty for their especial benefit. Now that article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation

(4).

of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that dayou? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of that article fourteen as read to you? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw Tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors ever own any improvement on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians, between the years 1833 and 1838? A I don't know.
- Q Were any of your Choctaw ancestors ever in the Choctaw Nation, Indian Territory? A I don't understand you.
- Q Were any of your Choctaw ancestors ever in the Choctaw Nation Indian Territory? A You mean live in it?
- Q Yes? A I don't know whether they ever did or not.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they intended to stay in Mississippi and take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama as Choctaw Indians under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama, that is in the old Choctaw Nation, under any other provision of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I do n't know.
- Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the United States Indian Agent, Colonel Ward, was told to make a list of the names of all Choctaw claimants who came before him within six months after the ratification of the treaty of 1830, and declared their intention of remaining in Mississippi and taking land there. Colonel Ward made a very small list. His list contained but a small fractional

(5).

part of the total number of Indians who made that declaration before him within the time limited under article fourteen and as a result of his neglect a great many Indians who held land in Mississippi and Alabama had that land taken from them and it was sold at the public land sales of the Government. This lead to a great many complaints on the part of the Indians so that in 1837 Congress appointed a Commission. That Commission went to Mississippi and in the years 1837 and 1838 heard a great many claimants under article fourteen and this Commission made a list of the names of all successful claimants who came before it. In 1842 another Commission was appointed by Congress for the same purpose and this Commission made a list of successful claimants who appeared before it and claimed benefits under article fourteen of that treaty. Did any of your Choctaw ancestors appear before either the Commission of 1837 or the Commission of 1842 and claim benefits under article fourteen of that treaty? A I don't know.

- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from the vacant land of the Government, and that a certificate to that effect should be issued to him. Did any of your Choctaw ancestors ever receive any of these certificates which were called scrip? A I don't know.
- Q Have you any documentary evidence that you would like to introduce now? A No sir.
- Q You have that petition havn't you? A Yes sir, this petition, yes sir.

Petition of this applicant, James A. Martin presented by him, received, filed, marked exhibit "A", and made a part of the record in this case.

- Q Have you any other evidence? A No sir, none at present.

A reasonable time will be granted to this applicant in which to file further evidence of a proper kind in support of this application which he makes for himself.

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage: gray eyes, medium dark complexion, dark but not black hair. He has no knowledge of the Choctaw Language, and no knowledge of a compliance on

(6).

the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilised Tribes, he reported in full all the proceedings in the above entitled cause on October 15, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes, in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of November, 1901.

Clara Mitchell
Notary Public.

7-
Muskogee, Indian Territory, January 28, 1902.

James A. Martin,
White Mound, Texas,

Dear Sir:

Receipt is hereby acknowledged of certified copies of marriage licenses and certificates between J. A. Martin and C. R. McDaniel, and Augustus Martin and Mary F. Allen, offered in support of your application for the identification of yourself and your minor child as Mississippi Choctaws. The same have been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

MO 3766

COMMISSIONERS:

HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3766

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

James A Martin,

Whitemound, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3799
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3644
Clark P. Duke, et. al.,	M	C	R	3625
John G. Allen, et. al.,	M	C	R	3626
Charlie A. Allen, et. al.,	M	C	R	3624
James T. Allen,	M	C	R	3628
Henry C. Allen,	M	C	R	3627
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3608
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3647
Achilles A. Waldrop,	M	C	R	3648
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3645
Dixon G. Spurlin,	M	C	R	3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 195), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

LOPE
Muskogee, Indian Territory, March 24, 1903.

James A. Martin,
Whitemound, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elisa Helleway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Tame Birby
Chairman.

No. 3765

For Identification as a Mississippi Choctaw.

Date OCT 15, 1901

Name James A. Martin

Age 30

Blood 1/16

Post Office, White Mound, Texas

Father: Augustus Martin, l. (MOUND)

Mother: Mary - " - d.

Claims through Mother
wife. Rinda Martin, w.

No claim for wife,

Children:

Irula Martin, 7m.

Claims for self & -
Child -

Stenographer

Neal Belford

Choctaw MCR 3766

Dan H. Dumas

See MCR 4006

MCR 3766

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 18, 1901.

#3766.

In the matter of the application of Dan H. Dumas for
the identification of himself and his wife as Mississippi Choctaws.

Applicant not represented by Attorney.

Dan H. Dumas, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Dan H. Dumas.
Q What is your age? A I am fifty-three years and ten months old.
Be fifty-four in December, next.
Q Fifty-three years? A Yes sir.
Q What is your post office address? A Sherman, Texas.
Q Any street number? A 608 Austin Street.
Q What is your father's name? A James P. Dumas.
Q Is he living? A No sir.
Q What is your mother's name? A Well, the initials are M. A. E.
Dumas. It was Mary Ann Elizabeth---there was considerable of it.
Q Mary A. E.? A Yes sir.
Q Is she living? A No sir.
Q Through which parent do you claim your Choctaw blood? A Well,
it's through both really, but I hardly know how to get at it. I
have been studying a little about it. My two grandmothers were
sisters. My father and mother were cousins. One would be as well
as both of them, I guess.
Q How much Choctaw blood do you claim? A Well now, I don't know.
I am only told that there is some blood but I don't know about it.
Q Where were you born? A I was born in Grayson County, Texas.
Q Where have you lived all your life? A In Grayson County, Texas.
Q All your life? A Yes sir.
Q Now James P. Dumas, your father---how much Choctaw blood did he
claim? A Well, I never learned how much there was of it.
Q He claims through which parent---father or mother? A Through

(2).

the mother.

- Q What was her name? A Elisabeth Brashier.
- Q Brashier? A I think so, but I am not sure.
- Q The same people that were here this morning? A Yes sir.
- Q That is your father's mother? A Yes sir.
- Q Now she claims through which parent----father or mother? A Mother claims under her mother.
- Q No, your father, James P. A He claimed under his mother.
- Q But his mother claimed under whom? A She claimed to be a Choctaw Indian, but I don't know what her father's name was.
- Q You don't know anything back of that? A No, I don't know what that was.
- Q Now you also claim through your mother? A Yes sir.
- Q She claimed through which parent----father or mother? A Her mother.
- Q Through her mother? A Yes sir.
- Q And what was her mother's name? A Kizziah Brashier or whatever you call it. They call it Brasier.
- Q How much Choctaw blood did she have? A Well, I never did learn. It's just been handed down by us verbally----by them. They never would let us think about it or talk about it, because they didn't want us to mix up with them full bloods. We was always on the saddle and they knew it wasn't best for us to come over here because we wouldn't get along agreeable with these people, and it wasn't considered worth anything at that time any way. And they never did tell us a great deal about it.
- Q You don't know how much Choctaw blood Kizziah Brashier had? A No sir. I have been told that it was half, but I don't know. That's only hearsay.
- Q Do you think you can get any more evidence than that anywhere to show how much Choctaw blood your ancestors had? A I am making an effort in this way----I have written to the General Land Office at Washington for any certified copies that may be on record there showing a donation to either of the Brashiers in Mississippi but I haven't heard. They are crowded there I have been told.
- Q So you go back both on your father's side and your mother's side to the same common stock? A Yes.
- Q And these two sisters, Elisabeth and Kizziah, now they claimed through which parent----father or mother? A Father.
- Q Now what was his name? A I learned it was John, but then I don't know. This is all just verbal stuff handed to us.
- Q Did these women, Elisabeth and Kizziah, did they ever live in Mississippi or Alabama? A Yes sir, they moved from Mississippi to Texas----that is Kizziah Thompson she was then.
- Q Kizziah married John Thompson, did she? A Fleming J. Thompson.
- Q Now Kizziah married a Thomson? A Yes sir.
- Q And you say they lived in Mississippi? A Yes sir.
- Q Did they live in Mississippi in 1830? A I am not sure, but I think so. They moved to Texas in '56 from Mississippi, from Pontotoc County, I think it was. Pontotoc was their post office.
- Q Mississippi? A Yes.
- Q Now Elisabeth Brasher, who did she marry? A She married E. W. Dumas.
- Q Whom? A E. W. Dumas.
- Q E. W. Dumas? A Yes.
- Q You don't know how much Choctaw blood she had? A No, there were two sisters and I don't know what the claim is for the other Brashiers. There was four of them that I have heard of ever since I was a child, but I don't know whether there was any more in the family or not. Just the two brothers and two sisters. I have written

(3).

there to try and track up these people, and I believe I will get something in a few days. This eldest brother lived and died in Mississippi.

- Q Did either of these women speak the Choctaw language? A Not that I knew of.
- Q Did either of them have Choctaw names? A Not that I know of. I never saw this Elizabeth. I knew the other one.
- Q When did your father, James P. Dumas, die? A He died the first day of February, '75.
- Q How old was he when he died? A He was fifty-five years old about.
- Q In 1875 you say? A Yes.
- Q He was born in 1820----where was he born? A He was born in Greenville District, South Carolina. He was a runaway boy. He run away when he was sixteen.
- Q Where was his home when he ran away from it? A His home as I believe, as well as I remember, was in South Carolina.
- Q Where? A South Carolina, Greenville District.
- Q Now what ancestors of yours lived in Mississippi----your father didn't. A My mother and my grandfather on the Thompson side lived there.
- Q Do you know when your mother died? A She died on the eighth of August, 1901.
- Q And how old was she when she died? A She was seventy-six, nearly seventy-seven. She was born in '24.
- Q In what state was she born? A Now, I don't believe I could say. It was, I rather think, in Alabama, but I am not sure.
- Q She never lived in Mississippi? A Yes sir.
- Q When did she live in Mississippi? A She lived in Mississippi in '41, '42, and '43 and along there because they were married there and moved from there to Texas in '43 I think it was.
- Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I know of.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Harriet Pinkey, or H. P. is the initials.
- Q Dumas? A Dumas now, but it was Shipp----the maiden name.
- Q What is her nationality? A She's part american----a little mixed we hardly know what we are made up of.
- Q Has she any Indian blood? A As much as myself. She's a cousin of mine.
- Q Do you make application for her? A Well, I could if it's necessary. She's of age of course as well as our children.
- Q Well, if you claim for her you can make application for her. What is her father's name? A O. W. Shipp.
- Q O. What? A O. W. Shipp, S-h-i-p-p, Shipp.
- Q Is he living? A No sir.
- Q How much Choctaw blood did he have? A None at all.
- Q O. W. Shipp no Choctaw blood? A Claimed none at all.
- Q Did her mother? A Yes sir.
- Q What was her mother's name? A Her mother's name was Jane Shipp.
- Q Jane? A J-a-n-e, Jane.
- Q Is she living? A No sir, both dead.
- Q How much Choctaw blood did she have? A Well, she claimed the same as my father, them being brother and sister, I don't know how much. She was a daughter of Elizabeth Brashiers.
- Q She claimed through her mother? A Yes sir.

(4).

- Q And her mother's name was what? A Her mother's name was Jane Dumas, or Jane Shipp after marrying Shipp.
- Q Her mother, Jane Dumas or Jane Shipp claimed the Choctaw blood through which parent? A Her mother, Elizabeth Dumas or Brashier.
- Q Elizabeth Dumas, maiden name Brashier? A Yes sir.
- Q Now do you know whether your wife's mother was ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian territory? A I think not.
- Q Do you know when and where Elizabeth Brashier or Dumas was born? A No sir. I never learned where they was born. I have written for those things.
- Q Do you know where she died? A Jane?
- Q No, Elizabeth Dumas? A No sir.
- Q Do you know when she lived in Mississippi if she ever lived there? A No sir, I don't know when that was.
- Q You don't know anything about her? A No sir.
- Q Don't know how much Indian blood she had? A No sir, I don't know. Whatever Indian was in her is the same as the other Brashiers, I don't know what that was.
- Q Have you any children under twenty-one years of age and unmarried whom you wish to make application for? A None under age.
- Q Then you make application for yourself and wife? Do you? A I have two children over age. I don't know what about them.
- Q They will have to apply for themselves. A For themselves, all right.
- Q When and where were your father and mother married? A They were married in Fayetteville, Alabama, in 1842.
- Q You haven't their license here, or marriage certificate? A No sir. My father was a Mexican War soldier, and my mother finally got a little pension, and that request was made by the Government but we found that the records at Fayetteville, Alabama was burned but they sent a copy.
- Q Well, that same evidence that was furnished in the case of the Mexican pension will be accepted here if you can get it. A Well we have it there at home.
- Q I would like to have you furnish the marriage license of the marriage-----or some proof of the marriage between your wife's father and mother as well as yours. A Yes sir.
- Q Reasonable time will be given to you to do that. A Yes sir. I never learned where that was.
- Q You don't know when and where your wife's father and mother were married? A No sir, I don't know when or where. They come from Alabama to Texas-----to southern Texas, in '54, but my wife is the baby of the family and I never found out.
- Q Is your name or the name of your wife on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of. I have never seen these rolls.
- Q Was your wife ever married previous to your marriage with her? A No sir.
- Q Were you ever married before? A No sir.
- Q Have you ever made application for yourself or for your wife for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No, never did.
- Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and wife, under the Act of Congress of June 10, 1896? A No sir, none whatever.

(5).

- Q Were you or your wife ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian territory? A No sir.
- Q This is the first application you ever made for yourself or wife is it? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir, I suppose that would be it from what I understand about it.
- Q Do you understand that article of that treaty? A Yes----well, pretty well, yes sir.
- Q You have heard it read and explained a number of times have you here? A Yes sir, that is to-day.
- Q To-day, and now do you think you understand it so that it needn't be read any more? A I think so, yes, I think so.
- Q You waive the reading then do you? A Yes, it's too long and worrisome.
- Q Well, that's all right, if you understand it. A Well, there's one point towards the very last of it, as to a donation of land or annuity. I don't remember what that was. If they ever removed from the Choctaw Nation within the five years.
- Q No, if they ever removed. If at any time the Mississippi Choctaw living in the old Choctaw Nation in Alabama or Mississippi should ever go to the new Choctaw Nation Indian Territory, he might share in the rights of citizenship under that article, but he would not have any interest in the money distributions which were called annuities? A But the land here, too.
- Q Well, land isn't an annuity. That's all that caluse means. It means that they wouldn't come in for any portion of the annuity. You understand it all but that, do you? A Yes sir. I didn't notice that closely. You say I must get a certificate of marriage of myself and wife too?
- Q No sir. Of your wife's parents and of your parents. Now then, as you understand that article of that treaty, do you know whether any of your ancestors complied or attempted to comply with any of its provisions? A Don't know. We wrote for this thing especially, but havn't heard----for copies of that.
- Q Were any of your Choctaw ancestors or your wife's Choctaw ancestors ever----were any of them living in the old Choctaw Nation in Mississippi or Alabama in 1830 to your knowledge? A Well, they tell us they moved from Mississippi, but as to what part of Mississippi compared with the Choctaw Nation I don't know. Don't know what part of the State it was in.
- Q Were they there in 1830 do you know? A They must have been but then I am not positive. They only told me they moved from there. My grandparents moved from there.
- Q Did any of your Choctaw ancestors ever own any improvements----or your wife's ancestors ever own any improvement on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your ancestors or your wife's Choctaw ancestors ever go from Mississippi or Alabama to the Choctaw Nation Indian Territory, between 1833 and 1838? A I don't know that they did.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A I don't know, we have written for that.
- Q You can't tell that? A No sir, I have wrote for certified

(6).

copies of such questions as I was told was most important, but we haven't got them.

- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors, ever claim or receive any land in Mississippi or in Alabama that is in the old Choctaw Nation from the Government under the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors ever receive any land in Mississippi or in Alabama, that is in old Choctaw Nation, from the Government of the United States under the provisions of the fourteenth article of the treaty of 1830? A I wrote to the Commission for that question---certified copy.
- Q In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government directed the Indian Agent in Mississippi to make a list of all Choctaw claimants who claimed benefits under article fourteen and who declared their intention of remaining in Mississippi and taking land there within six months from the ratification of that treaty. This Agent failed to record the names of those Indians, a great many of them, the great majority of them, so that as a result of his neglect a great many Choctaw Indians who really did go to him within that time limited under article fourteen had their lands taken from them by the government and they were sold at public land sales. This caused so many complaints that finally in 1837, Congress, by an Act approved March 3, 1837, appointed a Commission and this Commission went down into the State of Mississippi and heard a great many Choctaw Indians who claimed rights under article fourteen and made a list of all of the successful applicants. In 1842 another Commission was appointed for the same purpose and this Commission also made a list of successful applicants. Do you know whether any of your ancestors appeared upon either of those lists made out either by the Commission of 1837 or the Commission of 1842, as successful claimants under article fourteen? A I don't know.
- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant Government land and that a certificate to that effect should be given to him. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government of the United States under this Act of Congress? A I don't know. We have written to the Commissioner for that thing, but we haven't heard.
- Q Have you any documentary evidence that you want to introduce now in support of your application? A Nothing here, no.

Reasonable time will be allowed this applicant in which to file documentary evidence or any other proper evidence in support of his application.

- Q Is there anything more you want to state? A Well, you didn't ask

(7).

me one thing, and I am like the girl when she wanted a fellow and asked him to marry her. There's a lot of evidence filed here by relatives of mine that I would like to have the benefit of.

Q Well now, you just state the names of these people who are kin of yours? A Well, there's G. S. Cobb.

Q G. S. Cobb? A Yes sir. And Mrs. Addie Cobb a sister-in-law, and Mrs. Kate Cannon.

Q C-a-n-n-o-n, isn't it? A n-n-o-n, two N's. And Mrs. Ida Sandford and Mrs. Lula Belle Noe, and George Thompson and George H. and I believe J. P. Dumas a nephew of mine.

Q Is that all the relatives? A Well, that's all that have applied that I know of for the present.

Q Now you want to have their testimony considered in connection with yours in order that you may get the benefit of what they have testified to as well as the records filed in their cases?

A Yes sir.

Q You don't understand Choctaw, I suppose? A No sir, never talked it---never tried to learn it.

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, light brown mustache, dark complexion, dark brown hair. Has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 16, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of November, 1901.

Clara M. [Signature]
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3766.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Don. H. Dumas,
306 Austin St.,
Sherman, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Eddie Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McGreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4811
Lawrence W. Hollis, et al.,	M. C. R. 4810
Minnie H. Nicolds, et al.,	M. C. R. 4812
Mary C. McLeod, et al.,	M. C. R. 4318
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Docker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emmely M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4889
Ada Thompson,	M. C. R. 4076
Enma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Doughlass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. Dumas

Chairman.

Registered.

MCR-3766

COPY.

Muskogee, Indian Territory, January 22, 1906.

Dan H. Dumas,

308 Austin Street,

Sherman, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and your wife, Harrie P. Dumas, as Mississippi Choctaws, is a part.

Respectfully,

John H. Thompson

Commissioner.

No. 3766

For Identification as a Mississippi Choctaw.

Date

Oct 15 1901

Name *Wan H. Dumas*

Age *53*

Blood *don't know*

Post Office, *Sherman, Texas*

608 Austin St.

Father: *James P. Dumas d*

Mother: *Mary A. E. " d*

Claims through *both parents.*

Wife *Harriet P. Dumas, w.*
and Ind.

Father *G. W. Shipp, (d), w.*

Mother *Jane " (Dumas) d.*

she had 3 children + 3 grand.
don't know how much.

Children:

Claims for self &
wife -

Stenographer

Hal Bedford.

Choctaw MCR 3767

Nora Rhoades

MCR 3767

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nora Rhoades, et al.,
for identification as Mississippi Choctaws, M.C.R. 3767.

List of papers forwarded to the Secretary of the Interior
embracing the record in the case of
Nora Rhoades, et al.

	(Page)
Original application of Nora Rhoades, et al., for identification as Mississippi Choctaws.....	1
Decision of the Commission denying the application of Nora Rhoades, et al., for identification as Mississippi Choctaws.....	7

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. October 16, 1901.

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In the matter of the application for identification as Mississippi Choctaws of Nora Rhodes and her six minor children, Jimmie, Van, Walter, Harless, Melvin and May Rhodes.

Applicant represented by attorney J. E. Arnold.

Nora Rhodes being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Nora Rhodes.
Q How do you spell that? A R-h-o-d-e-s.
Q What is your age? A Thirty-five.
Q What is your present address? A Satchin, Texas.
Q Where were you born? A In Kentucky.
Q Where in Kentucky? A I don't know.
Q How old were you when you left Kentucky? A Three years old.
Q Where did you go to from Kentucky? A Tennessee Putnam County.
Q How long did you live in Tennessee? A Until I was fourteen.
Q And then you went where? A Texas.
Q To what place in Texas? A Fannin County.
Q Is Ladonia in Fannin County, Texas? A Yes sir.
Q And you have lived there ever since? A Well six months I lived in the Territory.
Q When did you come here? A Last December.
Q Then did you go back to Texas? A Yes sir.
Q When did you go back there? A About one-month ago.
Q What is your father's name? A Richard Fields.
Q Is he living? A Yes sir.
Q What is your mother's name? A Lizzie Fields.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A Through both, mother and father both.
Q How much Choctaw blood do you claim to have? A Well sir I don't know exactly.
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
Q How old is your father now? A He is about sixty-five.
Q He was born in '35? A Yes sir I think so.
Q Where was he born? A In Tennessee.
Q What place in Tennessee? A Smith County.
Q Your mother is dead. When did she die? A She died 16 years ago last May.
Q How old was she when she died? A Forty-five.
Q She was born then since 1830? A Yes sir.
Q Do you know where she was born? A In Alabama.
Q Through which ancestor on your father's side do you claim your Choctaw blood? A On my father's side.
Q Yes sir? A Through my great grandfather.

- Q What was his name? A Howell Bryant.
 Q What is the name of the ancestor through whom you claim on your mother's side? A Tidwell.
 Q What is the first name? A Bettie.
 Q Were your father and mother legally married, by a minister and under a license? A I don't know sir.
 Q You know when they were married? A No sir.
 Q You know where they were married? A No sir.
 Q Do you know who performed the marriage ceremony? A I don't know.
 Q Have you any evidence of their marriage which you would like to introduce? A No sir.

A reasonable time will be allowed this applicant in which to introduce evidence of the marriage of her father and mother.

- Q Your father claimed his Choctaw blood through which parent? A His mother.
 Q What was her name? A Nancy Fields.
 Q What was the name of her husband? A Mat Fields.
 Q How much Choctaw blood did Nancy Fields have, do you know? A No sir.
 Q Nancy Fields claimed her Choctaw blood through which parent? A Her father.
 Q What was his name? A Howell Bryant.
 Q Do you know anything about Howell Bryant's father and mother? A No sir.
 Q Did Howell Bryant speak the Choctaw language? A I suppose so, he could speak a language that I could not understand.
 Q Did you know him personally? A Yes I was eleven years old.
 Q He spoke some language that you could not understand? A Yes sir.
 Q Was he a full blood Choctaw Indian? A I don't know I suppose he had about three quarters.
 Q What was his appearance? A His looks was just like the Choctaw.
 Q Was he dark? A Yes sir.
 Q How was his hair? A Black.
 Q Curly? A No sir, straight.
 Q How were his eyes? A Black.
 Q You know what his wife's name was? A No sir.
 Q Do you know whether she was a Choctaw or white woman? A She was a white woman.
 Q Did she have an Indian name do you know? A I don't know.
 Q Where did he live? A He lived in Tennessee when I knew him.
 Q Did he ever live in Mississippi? A Yes sir.
 Q When did he live in Mississippi? A I don't know.
 Q Did I ask you when he died? Do you know when he died? A He died when I was eleven years old.
 Q In Tennessee? A Yes sir.
 Q Now his daughter's name was Nancy who married Fields, did she ever live in Mississippi? A I don't know.
 Q Did her son Richard Fields, your father, ever live in Mississippi or Alabama? A He lived in Alabama.
 Q Who lived in Alabama? A My father.
 Q When did he live in Alabama? A I don't know how long it has been.
 Q Did his mother and father live in Alabama? A Not when he lived there.
 Q Well did he ever live in Alabama or Mississippi? A I don't know his father did not, his mother might have lived there when she was single.
 Q Did your mother ever live in Mississippi or Alabama? A She was born and raised in Alabama.
 Q Where in Alabama? A Marshall County.

#3

Q Do you know when she was born? A I don't know.
 Q She claimed her Choctaw blood through which parent/father or mother
 A Through her mother.
 Q What was her mother's name? A Bettie Tidwell.
 Q Did she ever live in Mississippi or Alabama? A She lived in
 Alabama. I don't know whether she lived in Mississippi.
 Q When did she die? A I don't know whether she is dead.
 Q Do you know when she lived in Alabama? A She lived there ever
 since I have known her.
 Q You would not know how old she was? A No sir.
 Q Do you know anything about her father and mother? A No sir.
 Q How much Choctaw blood did she claim to have? A I don't know.
 Q Did she have an Indian name? A I don't know sir.
 Q Do you know whether she knew anything about the Choctaw language?
 I don't know whether she did or not.
 Q Are you married? A Yes sir.
 Q What is your husband's name? A Sam Rhoades.
 Q Is he a white man? A Yes sir.
 Q You make no claim for him? A No sir.
 Q How many children have you under age and unmarried that you want
 to make application for? A Six.
 Q What is the name of the oldest one? A Jimmie.
 Q A boy? A Yes sir.
 Q Are all the children named Rhoades? A Yes sir.
 Q Were you ever married before you married your husband? A No
 sir.
 Q Was he ever married before he married you? A No sir.
 Q How old is Jimmie? A Sixteen.
 Q What is the name of the next one? A Van, V-a-n.
 Q How old is Van? A Thirteen.
 Q Next? A Walter.
 Q How old is Walter? A Ten.
 Q The name of the next? A Harles.
 Q How do you spell it? A H-a-r-l-e-s.
 Q That is a boy? A Yes sir.
 Q How old is Harless? A Seven.
 Q Next? A Melvin?
 Q How old? A Four.
 Q Next? A May?
 Q That is a girl? A Yes sir.
 Q How old is May? A One year.
 Q Is Sam Rhoades the father of these children? A Yes sir.
 Q You are the mother? A Yes sir.
 Q They are all living with you at your home? A Yes sir.
 Q You claim for yourself and these children? A Yes sir.
 Q When and where were you married to your husband? A Tennessee.
 Q What place in Tennessee? A Smith County.
 Q Do you remember the date of the marriage? A No sir.
 Q Were you married under a license and by a minister? A Yes sir.
 Q Have you your marriage license and certificate with you in proof
 of your marriage? A No sir.

By attorney.

We would like a reasonable time in which to introduce this.

By the Commission.

A reasonable time is granted this applicant in which to intro-
 duce evidence of her marriage to her husband.

- Q Have you any documentary evidence of any kind that you would like to introduce now? A No sir.
- Q Would you like time to introduce such evidence? A Yes sir.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of her application or any other proper evidence.

- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Did you ever make application for yourself and children or any one for you or your children to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation, either you or your children by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir not that I knew of.
- Q Is this the first application of any kind that you have ever made for yourself or children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of the treaty? A No sir I do not.

The treaty of 1830 some times called the treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw Indians on the 27th day of September in the year 1830 at a place called Dancing Rabbit Creek. The object of that treaty was to secure the removal of all the Choctaws from the Country then occupied them to a Country west of the Mississippi River, the present Choctaw Nation. Before the treaty was signed it became positively known that a great many of the Choctaws would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article? A Yes sir.

- Q Now as you understand it, after having heard it read and explained do you know whether any of your ancestors and by ancestors I mean your father and mother, grandfather or grandmother, great grandfather or great grandmother, or any of your Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir not that I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made. Understand I am asking you if any of your Choctaw ancestors lived in Mississippi and Alabama in what was known as the old Choctaw Nation in the year 1830? A No sir I don't know.
- Q You are not able to say whether Howell Bryant lived in Mississippi or Alabama at that time? A No sir.
- Q Or Bettie Tidwell? A No sir.
- Q Can you say whether any of your Choctaw ancestors were recognized members of the old Choctaw tribe of Indians in Mississippi or Alabama in 1830? A No sir I could not say.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or any time before that? A No sir not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the New Choctaw Nation, Indian Territory between the years 1833 and 1838? A No sir.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay there and take land? A I don't know.
- Q Did any of your ancestors claim or receive any land in Mississippi or Alabama as beneficiaries under article fourteen of the treaty of 1830? A I don't know.
- Q Did they ever claim or receive any land or any benefits under any other article than article fourteen of that treaty or under the supplement of it? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian agent whose name was Colonel Ward who lived in Mississippi at that time was directed by the government to make a list of all names of Choctaws who came before him within six months after the ratification of this treaty and signify to him their intention of remaining and taking land in Mississippi or Alabama. The Indian agent failed to record the names of the greater portion of Choctaw Indians who came before him within the time limited in article fourteen of that treaty. As a consequence of this neglect a great many Choctaw Indians who had land in Mississippi at that time lost the land and the improvements they had upon it. It was taken from them by the government and sold at public land sales. This caused many complaints on the part of the Choctaws and in 1837 a Commission was appointed by act of Congress of March 3rd of that year. This Commission went to Mississippi and heard claimants under article fourteen of that treaty and made lists of their names. In 1842 another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors appear before either of these two Commissions, the Commission of 1837 or the Commission of 1842 and claim benefits under article fourteen? A Not that I know of.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied

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with all the provisions of article fourteen and that his land had been taken from him he should be entitled to select land elsewhere, either in Mississippi, Louisiana or Alabama or Arkansas, to be taken from vacant government lands, and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your ancestors receive any of this scrip from the government as Choctaw Indians? A I don't know sir.
- Q Have you any witnesses now before the Commission that you desire to have called to testify in your case? A No sir.
- Q Have you any relatives of kind people who have made application here for identification as Mississippi Choctaws? A No that I know of.
- Q Do you know of the existence of any written evidence to show whether any of your ancestors ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits under it? A No sir.
- Q Can you speak or understand the Choctaw language? A No sir.
- Q Is there anything more that you want to say in support of your application? A No sir.

The applicant has the appearance and physical characteristics of being descended from white parentage, dark skin, brown eyes, and dark brown hair. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 16th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 30th day of November 1901.

Wm. M. Hall
Notary Public

J.W.H.
C.V. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nora Rhoades, et al.,
for identification as Mississippi Choctaws, M. C.R. 3767.

---: D E C I S I O N :---

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Nora Rhoades for herself and her six minor children, Jimmie, Van, Walter, Harles, Melvin, and May Rhoades, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Howell Bryant, and Nettie Tidwell, both of whom are alleged

to have been Choctaw Indians (degree of blood not given).

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Howell Bryant, or Bettie Tidwell, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 160) and August 23, 1848 (5 Stat., 513).

It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fern Rhodes, Jimmie Rhodes, Van Rhodes, Walter Rhodes, Marlen Rhodes, Melvin Rhodes, and Mar. Rhodes, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said

article fourteen of the treaty of eighteen hundred and thirty,
and that the application for their identification as such should
be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Commissioner.

Commissioner.

Waukegan, Indian Territory,
AUG 9 1902

M.C.R. 3767.

COPY.

Muskogee, Indian Territory, August 9, 1902.

Nora Rhoades,
Ladonia, Texas.

Dear Madam:

*12/12/02
Remained to
Wayne J. J.*

You are hereby advised that on the 9th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nora Rhoades, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nora Rhoades, Jimmie Rhoades, Van Rhoades, Walter Rhoades, Harles Rhoades, Melvin Rhoades, and May Rhoades, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this

N. R. #2,

date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SECRET

Tamms Dixby.
Acting Chairman.

Registered.

M.C.R. 3767.

COPY.

Muskogee, Indian Territory, August 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Nora Rhodes, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 9, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamc Dixby.
Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 inclosure.

COPY.

Muskogee, Indian Territory, August 9, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Nora Rhoades, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nora Rhoades, Jimmie Rhoades, Van Rhoades, Walter Rhoades, Harles Rhoades, Melvin Rhoades, and May Rhoades, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and

N. No. & C. #2.

it is so ordered.*

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tamr Bixby.
Acting Chairman.

(C O P Y)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS.

Land
48,288-1902.

Washington, October 4, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Nora Rhoades and her six minor children for identification as Mississippi Choctaws.

The record evidence shows that this applicant claims her Choctaw blood through both her father and mother; that she does not know that either of her parents ever were recognized by the Choctaw tribe of Indians as members thereof; that her father's name is Richard Fields and her mother's name is Lizzie Fields; that both her parents were born since 1830; that her father inherited his Choctaw blood through her grandfather whose name was Howell Bryant; that the ancestor through whom her mother inherited her Choctaw blood was Betty Tidwell; that her father claims his Choctaw blood through his mother, Nancy Fields, and that said Nancy Fields was a daughter of said Howell Bryant.

The applicant claims that she knew Howell Bryant when she

was 11 years old; that he looked just like a Choctaw and talked some language she could not understand; that she knows nothing about whether her said alleged ancestors ever complied with the provisions of the 14th article of the treaty of 1830 or not.

Her evidence does not in any way tend to show that she is entitled to be identified as a Mississippi Choctaw Indian, nor do the office records show that any of the ancestors above mentioned ever owned any land under the provisions of said treaty or attempted to comply with the provisions thereof, and the office concludes that the decision of the Commission refusing to identify the applicants as Mississippi Choctaws on the ground that the evidence is insufficient to warrant such action, is correct and hereby recommends that said decision be affirmed by the Department.

Very Respectfully,

Your obedient servant,

A. C. Tonner,
Acting Commissioner.

(W.C.B.)
P.

(C O P Y)

DC 19061-1902.

DEPARTMENT OF THE INTERIOR.

EAF.

Washington, October 15, 1902.

ITD.6115-1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:-

August 9, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Nora Rhoades and her minor children, Jimmie, Van, Walter, Harles, Melvin and May Rhoades.

The applicants endeavor to trace their descent from Howell Bryant and Bettie Tidwell, who are alleged to have been Choctaw Indians.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that said Howell Bryant, or Bettie Tidwell, or a less remote ancestor of the applicants, complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the application August 9, 1902.

Forwarding the papers October 4, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

-2-

The Department, after a careful review of the whole record, affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

E.M.D.

1077
M.C.R. 3767.

Muskogee, Indian Territory, October 25, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 15th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Nora Rhoades, et al., of which decision you were duly advised by mail on the 9th day of August, 1902.

Respectfully,

(SIGNED)

Sam Doby.
Acting Chairman.

COPY.

M.C.R. 3767.

Muskogee, Indian Territory, October 25, 1902.

Nora Rhoades,

Ladonia, Texas.

Dear Madam:-

*Remained 17/12 W
Wayne J. J.*

You are hereby advised that on the 15th day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the application of Nora Rhoades, et al., of which decision you were advised by registered mail on the 9th day of August, 1902.

Respectfully,

(SIGNED)

Wm. D. Dineen
Acting Chairman.

M.C.R. 3767.

Muskogee, Indian Territory, December 12, 1902.

Mrs. Rhodes,

Wayne, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you state that you appeared before the Commission in September, 1901, and made proof as a Mississippi Choctaw; that you would like to be informed whether your case has been acted upon or not.

In reply you are informed that the Commission, on August 9, 1902, rendered its decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. On the same date you were duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

On October 15, 1902, the Secretary of the Interior approved the decision of the Commission, and on October 20, 1902, you were duly notified of such Departmental action.

The letters of the Commission notifying you of the refusal of your application and of the approval by the Secretary of the Interior of its decision were mailed to you at Ladonia, Texas, the post office address given by you at the time you made your applica-

N. R. 22-22

tion.

The letters have this day been remailed to you at Wayne,
Indian Territory.

Respectfully,

Noting Chairman.

M O R 5767

Muskogee, Indian Territory, April 27, 1903.

J. H. Clanton,

Post Office Box #33,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask "Will you please let me know if Mrs. Nora Rhoads and her children (5 in all) are on the rolls, if not why not?"

In reply you are informed that the Secretary of the Interior, on October 13, 1902, approved the decision of the Commission refusing the application made by Nora Rhoads for the identification of herself and six minor children as Mississippi Choctaws, of which departmental action she was duly notified on October 25, 1902.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or who subsequently had their claims arising thereunder adjudicated by either of the

J H C 2

two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 22, 1848. No evidence of this character has been offered in support of this claim.

Respectfully,

Chairman.

M C R 3767

Muskogee, Indian Territory, February 5, 1904.

F. B. Stobaugh,
Mannsville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you ask if Mrs. Nora Rhoades and minor children are on the roll and entitled to allotment.

In reply you are informed that on October 15, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by Nora Rhoades for the identification of herself and six minor children, Jimmie, Van, Walter, Charles, Melvin and May Rhoades, as Mississippi Choctaws, of which departmental action Mrs. Rhoades was duly notified on October 25, 1902.

The Commission now considers this case closed, and it is not believed that the above named persons are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

H.C.R. 3767

Muskogee, Indian Territory, May 13, 1904.

Lora Rhoades,

Kannsville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask that the Commission furnish you with a copy of your testimony given at the time you made application for identification as a Mississippi Choctaw.

In compliance with your request, a copy of such testimony is herewith enclosed you.

Respectfully,

Chairman.

JY-51.

M.C.R.3767

Muskogee, Indian Territory, May 19, 1904.

Eora Rhoades,

Wannsville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your postal card without date, in which you ask if Doria Rhoades has any children "on the roll."

In reply you are informed that if you will give the full names of these children and the Nation in which they claim citizenship, your inquiry will receive proper consideration.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 31, 1904.

Mora Rhoades,

Mannsville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you ask to be advised of the status of the application made by you for the identification of yourself and six minor children as Mississippi Choctaws.

In reply to your letter you are advised that on October 15, 1902, the Secretary of the Interior approved the decision of this Commission refusing the above named application.

The decision of the Commission having been approved by the Secretary of the Interior, the Commission now considers your case closed, and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

M C R 3767

Muskogee, Indian Territory, September 30, 1904.

Mrs. Rhodes,

Mannsville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23d, instant, by reference from the United States Indian Agent, Union Agency. In your letter you enclose the affidavit of Richard Fields, which you ask be filed in support of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that on October 15, 1902, the Secretary of the Interior approved the decision of the Commission, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on October 25, 1902.

The Commission now considers this case closed and is without authority to receive or consider any further evidence in support thereof.

The affidavit forwarded by you is herewith returned.

Respectfully,

Enc.

JD 1-30.

Chairman.

No. 3767

For Identification as a Mississippi Choctaw.

Date OCT 16 1901

Name Nora Rhoades.

Age 35. Blood don't know.

Post Office, Ladonia, Texas.

Father: Richard Fields, l

Mother: Lizzie " d

Claims through both parents.

Husband Sam Rhoades, W.

No claim for husband

Children:

Immie Rhoades, 16

Van boy " 13

Walter " " 10

Charles " " 7

Melvin " " 4

May (que) " 1

Claims for self & children

Stenographer G. Roemmich

Choctaw MCR 3768

Victoria Walker

See MCR 3672

MCR 3768

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 16, 1901.

3768

In the matter of the application of Victoria Walker for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Victoria Walker being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Victoria Walker.
Q What is your age? A Twenty-one.
Q What is your post-office address? A Allen.
Q Texas? A No Indian Territory, Choctaw Nation.
Q How long have you lived in Allen? A About one year and one-half.
Q Where did you live before you came to the Indian Territory? A In Texas.
Q What place in Texas? A I don't remember.
Q Where were you born? A In Texas.
Q What place? A I don't remember.
Q Did you always live in Texas until you came to the Indian Territory? A Yes sir.
Q What is your father's name? A Joe Walker.
Q He is living? A Yes sir.
Q Is this a Joe Walker, your father, the same Joe Walker that appeared before the Commission the 4th day of October this year? A Yes sir.
Q Do you want the evidence in his case considered with yours when your case is taken up? A Yes sir.
Q Have any of your other relatives appeared here for identification? A No sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Elizabeth Walker.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A No answer.
Q Have you any brother's or sisters who have been before the Commission for identification as Mississippi Choctaws? A Yes sir.
Q Did they appear on the same day that your father was here? A My father appeared for them they are under age.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No.
Q How old is your father? A Forty five I think, forty six.
Q You know where he was born? A In Tennessee.
Q Where was it? A In Mexico.
Q Through which parent does your father claim his choctaw blood? His father.
Q How much Choctaw blood did his father have? A I don't know.
Q What is his father's name? A William Walker.
Q Do you know what his father's name was or his mother's? A I don't know.
Q Joe Walker your father claims through William Walker, now William

Walker claims through which parent, father or mother do you know?
A No I don't.

- Q How William Walker is your grandfather? A Yes sir.
Q How much Choctaw blood did he have? A I don't know.
Q Did he have an Indian name? A No.
Q Did he speak the Choctaw language? A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Were your father and mother legally married? A No sir.
Q They were not legally married? A I don't know.
Q When were they married? A I don't know.
Q Where were they married? A I don't know that.
Q Were they married by a minister and under a license? A I don't know.
Q Have you their marriage license and certificate with you? A No sir.

A reasonable time will be allowed this applicant in which to file proof of the marriage of her father and mother.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
Q Did you ever make application to the St. Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw Nation to either the Choctaw tribal authorities, or the United States authorities? A Yes sir.
Q Do you now make application for identification as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand article fourteen of that treaty? No answer.
Q Did you ever hear it read or explained? A No sir.

The treaty of Dancing Rabbit Creek was entered into the 27th day of September 1830 in Mississippi between the United States government and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the Country then occupied by them in Mississippi and Alabama to a new Country west of the Mississippi River, called the Choctaw Nation, Indian Territory, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time a treaty was made some of the Choctaws were unwilling to remove to the New Choctaw Nation Indian Territory but preferred to remain in what constituted the old Choctaw Nation ~~in Mississippi and Alabama~~ in Mississippi and Alabama. For the benefit of this class of Indians this article fourteen was inserted into the treaty. This article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty

acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand the provisions of this fourteenth article as read to you? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? He sir.
- Q Were any of your ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did William Walker ever live in Mississippi or Alabama? A I don't know.
- Q Did he ever live in the old Choctaw Nation in Mississippi or Alabama? A I don't know.
- Q Did your father ever live in Mississippi? A Yes sir.
- Q Do you know where he lived in Mississippi? A I don't know?
- Q Do you know when? A He sir.
- Q He is here before the Commission? A Yes sir.
- Q Do you want to call him in your case later on to testify? A Yes sir.
- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama, in what was known as the old Choctaw Nation in Mississippi or Alabama? A I don't know about that.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Choctaw Indians between 1833 and 1838, do you know? A No sir I don't.
- Q Did any of your Choctaw ancestors go within six months from the ratification of the treaty of 1830 to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land under article fourteen of the treaty of 1830? A I don't know.
- Q Did they ever get any in Alabama as Choctaw Indians? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land or any benefits under any other article of the treaty of 1830 or under the supplement of that treaty? A I don't know whether they did or not.

In accordance with the provisions of article fourteen of the treaty of 1830 Colonel Ward who was the United States Indian Agent in Mississippi at that time, that was in 1830, was instructed by the United States government to make a list of names of all Choctaws who came before him within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. Colonel Ward neglected to place upon his register the names of the greater number of Choctaw Indians who did come before him pursuant to the provisions of article fourteen and as the result of his neglect to properly make a record of these names a great many Choctaw Indians who lived in Mississippi and Alabama and who had land there upon which they had improvements had both their land and the improve-

ments taken from them and they were sold. This caused a great many complaints on the part of the Chectaw Indians so that in 1837 a Commission was appointed by Congress and this Commission went to the State of Mississippi and heard all the Chectaw claimants who came before it and made lists of successful ones. In 1842 another Commission was appointed by Congress for the same purpose and they made lists of all successful Chectaw claimants under article fourteen.

- Q Do you know whether any of your Chectaw ancestors appeared before either of these Commissions, that of 1837 or the Commission of 1842 and claimed benefits under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Chectaw had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek and that his land had been taken from him he should be entitled to select land either in Mississippi, Louisiana, Alabama or Arkansas, to be taken from vacant government land and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Chectaw ancestors receive any such scrip from the government? A I don't know.
 Q So far as you know were any of your Chectaw ancestors ever recognized members of the Chectaw tribe of Indians? A I don't know.
 Q So far as you know did any of your Chectaw ancestors ever receive any benefits from the government as Chectaw Indians? No, I don't know.
 Q Have you any written evidence that you desire to offer at this time in support of your application? A No.
 Q Do you want time in which to introduce such evidence? A Yes sir.

A reasonable time will be allowed this applicant in which to file documentary evidence or other proper evidence in support of this application also in which to file proof of the marriage of her father and mother.

- Q Can you speak or understand the Chectaw language? A No sir.
 Q Are there any other statements that you want to make in support of this claim? A No sir.

Applicant excused.

Joe Walker called as a witness in behalf of this applicant testified as follows:

- Q What is your name? A Joe Walker.
 Q What is your age? A Forty-six.
 Q What is your post-office address? A Allen, Indian Territory.
 Q What is your occupation? A Farmer.
 Q Have you made application for identification as a Mississippi Chectaw before this Commission for yourself and your minor children? A Yes on the fourth day of October.
 Q Through which parent do you claim Chectaw blood, father or mother? A I claim through my father.
 Q What is his name? A William Walker.
 Q Is he dead? A Yes sir.
 Q When did he die? A About forty-five or fifty years ago.
 Q How old was he when he died? A About twenty-one years old.
 Q Then he was born about sixty-six years ago? A Yes just about that.

- Q He was born in 1840, where was he born? A In Mississippi.
- Q Were you born in Mississippi? A Yes sir.
- Q How through which ancestor did your father William Walker claim his Choctaw blood, father or mother? A He claimed it through both.
- Q What was his father's name? A Jonathan Walker.
- Q What was his wife's name? A I don't know she died before I was born? A
- Q How much Choctaw blood do you claim? A I have never thought anything about it. My grandfather was one-half blood.
- Q Jonathan Walker was one-half? A Yes and my grandmother was a half
- Q How do you know that Jonathan Walker was a ~~half~~ blood Choctaw? That is what they all said.
- Q Who said? A My mother.
- Q How do you know that his wife was a full blood? A That 's what they said.
- Q How does it happen that you don't know her name? A She was always called 'grandma' to me, that is all.
- Q Then you never heard her name, was her last name Walker? A Yes, I think she was a Sexton before she was ~~xxx~~ married to the Walker.
- Q You don't know her given name? A No.
- Q Could she speak the Choctaw language? A Yes they said she talked it pretty near altogether.
- Q Could Jonathan Walker talk the Choctaw language? A Yes sir.
- Q Did you ever hear him? A Yes he used to talk to me.
- Q How did you know it was Choctaw? A They said it was. I could not understand it.
- Q How did he look? A He looked pretty dark.
- Q Well, be a little more specific? A Well he was tolerably full-faced, long hair and black.
- Q Was it absolutely black or brown? A It was tolerably black but beginning to get ~~xx~~ gray when I lived with him.
- Q How long was it? A It came down to his shoulders.
- Q What were the color of his eyes? A Either black or brown.
- Q Did he have thick lips? A I don't remember.
- Q How was his nose? A I don't remember.
- Q Where did he die? A In Mississippi.
- Q When? A I don't know, my mother stole me away from him when I was only seven years old and I never heard any more from him until here lately when I heard that he died about 18 or 19 years ago.
- Q Did he live in Mississippi in 1830? A Yes sir.
- Q In the old Choctaw Nation? A Yes right there in Mississippi, close to a place called Cold Water.
- Q In what County? A I don't remember what County.
- Q Your father was born in Mississippi in 1840? A Yes sir.
- Q How was your grandfather Jonathan Walker recognized as a member of the Choctaw tribe of Indians in 1830? A I could not say.
- Q Did he ever own any land or improvements in Mississippi? A He owned the land in Mississippi that he lived on.
- Q Where did he get it? A I don't know.
- Q You know where that land was situated? A No I could not say that.
- Q You know what became of it? A No sir I don't, my father also had land there.
- Q Where did he get his land? A My grandfather gave him forty acres and he bought forty.
- Q But you don't know where his father got the forty that he gave him? A No sir I don't.

- Q Do you know whether your grandfather Jonathan Walker was ever recognized as a member of the Choctaw tribe of Indians in Mississippi? A I don't know about that. I was young and have never heard anything about it.
- Q Do you know whether he or whether his wife within six months after the ratification of the treaty of 1830 went to the United States Indian Agent and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I don't know.
- Q Is this your daughter who has just made application? A Yessir.
- Q Is she in good health now? A Yes she is in tolerable good health.
- Q Her testimony was very unsatisfactory. She did not remember or did not know. Will you explain to the Commission why that was? I don't know unless it was on account of her having spinal meningitis.
- Q When did she have that? A When she was five years old and she has not had a good mind since then.
- Q When were you married to your wife Elizabeth? What was her maiden name now? A Jarvis.
- Q When were you married to her? A About twenty-seven years ago.
- Q You remember the exact date? A No I don't I was married in Reynolds County Missouri.
- Q Were you married by a minister and under a license? A Yes sir.
- Q You remember the name of the minister that performed the ceremony? A Yes sir.
- Q What was his name? A Black.
- Q What was his full name? A I don't know. Centreville is the County seat.
- Q You expect to introduce proof of the marriage to your wife?
- Q Yes I could prove it I guess.
- Q Now do you know whether Jonathan Walker or any of your daughters Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Was Jonathan Walker the head of a family in Mississippi in 1830? A Yes sir.
- Q Now is there anything further that you want to say in support of this claim that you can think of? A I don't know.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium dark complexion, black eyes and dark hair. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 16th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

Subscribed and sworn to before me this 30th day of November 1901.

G. Rosenwinkel
Notary Public.

COPY.

Muskogee, Indian Territory, January 2, 1903.

Victoria Walker,

Allen, Indian Territory.

Dear Madam:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joe Walker, et al., embracing the following applications for identification as Mississippi Choctaws:

Joe Walker, et al.,
Victoria Walker,

M.C.R. 3672
M.C.R. 3768

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joe Walker, John H. Walker, Irene Walker, Cora Bell Walker, David H. Walker, Arthur H. Walker and Victoria Walker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

days from the date hereof within which to file arguments in this
office, and that at the expiration of said time the papers in the
case together with such arguments shall be forwarded to the Secretary
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixey

Acting Chairman.

Registered.

M C R 3672
M C R 3768

Muskogee, Indian Territory, March 19, 1903.

Joe Walker,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask to be advised the status of your case.

In reply to your letter you are informed that on January 2, 1903, the Commission rendered its decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and on the same date you were notified by registered mail of the action of the Commission and that you would be allowed fifteen days from the date of said decision within which to offer arguments in support of your claim to be transmitted to the Secretary of the Interior.

The fifteen days heretofore granted you in this case, expired on January 17, 1903, and on January 19, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

OPY.

M.C.R. 3768

Muskogee, Indian Territory, August 27, 1903.

Victoria Walker,

Allen, Indian Territory.

Dear Madam:

You are hereby notified that on the 13th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joe Walker, et al., of which decision you were advised by registered mail on the 2nd day of January, 1903.

Respectfully,

Tamc Bixby.

Chairman.

No.

3768

For Identification as a Mississippi Choctaw.

Date

OCT 16 1901

Name

Victoria Walker

Age

21 -

Blood,

don't know

Post Office,

Allen, I. T.

Father:

Joe Walker

l

Mother:

Elizabeth

l

Claims through

father

~~Child~~

Claims for self
alone

Stenographer

G. Rosenwald

Choctaw MCR 3769

Sarah E. Snyder

See MCR D.1

MCR 3769

Department of the Interior.
Commission to the Five Civilized Tribes.
Alaska, I.T. October 16, 1901.

3769

In the matter of the application of Sarah E. Snyder for the identification of herself and her minor grandchild as Mississippi Choctaws.

Applicant not represented by any attorney.

Sarah E. Snyder being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah E. Snyder; but it is here on my paper
Sallie.
Q How do you wish it to go down here? A Sarah E. Snyder; that's the
way I always sign it.
Q What is your age? A Sixty two.
Q What is your post office address? A Lexington Junction, Missouri.
Q How long have you lived at Lexington Junction? A I moved there this
last time in July; I lived there different times; about two years ago.
Q Where were you born? A In Cooper County.
Q Missouri? A Yes sir.
Q Did you ever live in any other State than Missouri? A Yes sir; in
Kansas.
Q When did you go from Missouri to Kansas? A Its been about fifteen
years ago.
Q And you lived in Missouri up to that time? A Yes sir from the time I
was born.
Q Fifteen years ago you went to Kansas; how long did you stay there?
A Not quite two years.
Q What place in Kansas? A Neosho Falls and Yates Centre.
Q And stayed not quite two years? A Yes sir.
Q And went back to Missouri and have lived there since? A Yes, in
Fairfield, Benton County for nine years and then we lived in British
Columbia two years.
Q When did you live in British Columbia? A I left there about the
1st. of July last.
Q How long were you there? A Two years lacking a few months; from July
to November it lacked of being two years.
Q When you were there in 1891, 1892 and part of 1897? A Yes sir.

- Q Where in British Columbia did you live? A Vancouver.
- Q What is your father's name? A Edward Snodgrass.
- Q Is he living? A No sir.
- Q What is the name of your mother? A Lucy Snodgrass.
- Q Is she living? A No sir.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A Well, I couldn't tell that, but my-- I can't tell.
- Q Has your mother been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
- Q Was your father a white man? A Yes sir.
- Q No Indian blood there? A No sir.
- Q How old would your mother be if she were living now? A Oh, I can't tell.
- Q When did she die? A About fifteen years ago.
- Q About how old was she when she died; as near as you can tell? A I can't tell just exactly; somewhere in sixty.
- Q She was at least sixty, was she? A Yes; sixty four or sixty five.
- Q She would be about seventy nine or eighty now then if living wouldn't she? A Well, my father died in 1882 I think and my mother just five years after he died; that would be about it.
- Q You think she would be about seventy nine or eighty now, do you? A Yes, I guess she would.
- Q Where was she born? A I don't know where.
- Q In what State? (No answer.)
- Q Did she live in Mississippi? A I can't tell you.
- Q Did her father or mother ever live in Mississippi? A I don't know that.
- Q Through which of her parents did she claim her Choctaw blood? A Her father.
- Q What was his name? A Jackie Harris.
- Q He had Choctaw blood, you say? A Yes sir.
- Q Where did he die? A In Missouri.
- Q Where was he born? A I don't know where he was born.
- Q Do you know his father's or mother's name? A I know his father's name.
- Q Did he claim his Choctaw blood through his father? A Yes sir.
- Q What was his father's name? A William Harris.
- Q Did he live in Mississippi or Alabama? A Yes, I think he did.
- Q Did any of your other ancestors live in Alabama? A I don't know.
- Q But William Harris you say lived in Mississippi? A Yes sir.
- Q Where in Mississippi? A I don't know what part.
- Q How do you know he lived in Mississippi? A Why, I have always heard he did.
- Q It is a matter of family record, family history? A Yes sir.
- Q How much Choctaw blood did William Harris have, do you know? A I don't know.
- Q Did he speak the Choctaw language? A Well, they said he did.
- Q That was a matter of family tradition or history? A Yes; I don't remember of seeing him.
- Q What relation was he to you? A Great grandfather.
- Q Do you know when or where he died? A No sir.
- Q -or how old he was? A No sir.
- Q When and where did your father and mother marry? A In Missouri I think; I don't know where they did marry.
- Q Do you know when they married? A No sir.
- Q Do you know whether they were married under a license and by a minister? A No sir; I don't know.

Q Have you any proof at all, or do you think you can produce evidence of their marriage? A Yes; there are marriages on record in Booneville, Missouri.

Q A reasonable time will be allowed you in which to produce evidence of their marriage. A My brother has it on record here.

Q You can get a certified copy of that if you like, or get it in any other form; time will be allowed you by the Commission to arrange for that testimony.

Q You have relatives who have appeared for identification? A Yes sir.

Q Give the names. A John Snodgrass.

Q When did he come? A Last July; the last of July.

Q This year? A Yes sir.

Q Here at Atoka? A Yes sir.

Q Any other relatives? A Yes, I have two sisters that came.

Q What are their names? A One is Susan Francis Gelfelt.

Q What relation is she? A Sister.

Q When did she come? A July.

Q Give me the name of the other. A Nancy Jane Walser.

Q Any others? A That's all I know. There's two more; one half sister and one own brother but I don't think they have come.

Q What are their names? A McDonalds.

Q Do you remember the given names? A Pelly Ann and Nellie; I don't think they have come. William Snodgrass- he hasn't been; he is my brother.

Q What's all? A Yes sir.

Q What was William Harris's sons name? A Jackie Harris.

Q Are you married? A Yes sir.

Q What is your husband's name? A William J. Snyder.

Q Is he living? A Yes sir.

Q White man or Indian? A He is a white man.

Q You don't claim for him then? A No sir.

Q Have you children under twenty one years of age and unmarried for whom you wish to apply? A No sir.

Q Well have you any children that you want to make application for that are kin to you? A I have these two grandchildren, but I reckon I can't make application for none only the little girl.

Q What is her name? A Leoda Snyder, L-e-o-d-a.

Q This is a grand-child is it? A Yes sir.

Q Is she living with you? A Yes sir.

Q How long has she been living with you? A Three years I believe.

Q How old is she? A She will be seven the 16th February.

Q What is her father's name? A Eddie; we just sign it Ed.

Q Snyder? A Yes sir.

Q What is her mother's name? A Ada.

Q Is the father living or dead? A Living.

Q Is the mother living or dead? A She is dead.

Q Through which parent did your grand-daughter, Leoda, claim her Chectaw blood? A Through the Harris.

Q Through her mother? A No sir; through her father.

Q Is her father your son? A Yes sir.

Q He is living now? A Yes sir.

Q Where is he living now? A In Vancouver, B.C.

Q How long has he been in Vancouver? A Just a little over a year.

Q How long did you say you had charge of this child, Leoda? A About three years.

Q When did her mother die, this Ada Snyder? A She has been dead about three years.

- Q How did you happen to come into possession of this child? A Well, the child thought more of me than anybody else and Ada she wanted me to take care of it.
- Q You are supporting it? A Yes sir.
- Q And you will support it and your homewill always be its home? A Yes sir.
- Q You haven't been appointed its natural or legal guardian? A No sir.
- Q And the father is now living in British Columbia so that he is not able to make application for this child? A That's it.
- Q How much Choctaw blood do you claim for her? A Well, I can't tell you.
- Q She claims through the same branch as you? A Yes sir.
- Q That is, she claims through her father and her father through you? A Yes sir.
- Q When and where, if you remember, was your son, Ed Snyder, married to his wife, Ada? A Warsaw, Missouri.
- Q What date? A I don't remember.
- Q Reasonable time will be allowed you in which to get evidence to prove that marriage. A I can send and get his marriage certificate from Warsaw.
- Q Is your name or the name of this grand-child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Did you ever make application for yourself or this grandchild for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A Not that I know.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself or this child to the Dawes Commission under Act of Congress of June 10, 1896; that's five years ago? A No sir.
- Q Have you ever been admitted to citizenship, or has this child, in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.
- Q Is this the first application that has ever been made either on your behalf or in behalf of this child for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission to be identified and for the identification of this grand-child under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir; I have heard it but I don't understand it.
- Q Do you know what a treaty is? A No sir.
- Q Know what an agreement in writing is? A Yes sir.
- Q An agreement or contract in writing is something made between two people or two corporations, but a treaty is an agreement in writing or a compact in writing made between two or more Nations instead of between two or more individuals; it is called a treaty when it is made between Nations. It is divided into articles numbered from one up to as many as there are articles in the treaty; an article is a subdivision.

In 1830 the United States made such a treaty with the Choctaw Indians at that time living in the old Choctaw Nation which was partly in the State of Mississippi and partly in the State of Alabama, along the Western boundary line of that State. The object of the treaty of 1830 or Dancing Rabbit Creek as it is sometimes called was the removal of the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the new Choctaw Nation West of the Mississippi River, that is this Nation here. Before the treaty was signed it became evident that

a great many Choctaw Indians wouldn't come to the new Choctaw Nation in Indian Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen is that part of the treaty of 1830 that was particularly drafted for the protection of the Mississippi Choctaw or Indian who stayed back in the State of Mississippi. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now, do you understand that article, you think? A Yes, I think so.
Q Do you know it, after heard it read and explained, so that you understand it? A Yes sir.

Q Do you know after that, if any of your Choctaw ancestors, William Harris, or any others, comply or attempt to comply with any of the provisions of article fourteen of that treaty? A I don't know.

Q Were any of your Choctaw ancestors, William Harris, or any other ancestors of yours who were Choctaws living in the old Choctaw Nation in Mississippi or Alabama in the year 1830? A No sir, I don't know.

Q You don't know what year they were living there? A No sir.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830 or any time before that? A I don't know.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, that they intended to live in Mississippi and take land there? A I don't know; no sir.

Q Did any of your Choctaw ancestors ever own or claim any land in Mississippi or Alabama, in the old Choctaw Nation in Alabama, under article fourteen of that treaty? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land or other benefits under any other article of the treaty of 1830 than article fourteen, or under the supplement to that treaty?

A I don't know.

In accordance with the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, Col. Ward who was the United States Indian Agent living in Mississippi in 1830 was instructed by the

Government to make a list of the names of Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and told him they wanted to take land in Mississippi and live upon it- didn't want to go to the Indian Territory-; but Col. Ward failed to record the names of the greater portion of the Choctaw Indians who came before him within the time limited under article fourteen of that treaty, and consequently their names did not appear on what was called Ward's Register. This neglect on his part caused a great many Indians who had lands in Mississippi to lose their lands, the Government took it away and sold it at Public Land Sale. This caused a great many complaints on the part of the Indians so that in 1837 on the 3rd day of March that year a Commission was appointed by Act of Congress approved March 3, 1837, which Commission went to Mississippi and heard a great many Choctaw Indians who claimed rights under article fourteen of the treaty of 1830, and this Commission made lists of the names of those claimants whose claims were approved. In 1842 another Commission was appointed by Congress and approved August 23, 1842, and they also made lists of successful claimants under article fourteen.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions, that of 1837 or 1842, and claimed benefits under article fourteen? A No sir.

Q You never heard they did? A No sir.

Q Was William Harris, to your knowledge, living in Mississippi in 1830 and head of a family there at that time? A No sir; I don't know

The Act of Congress approved August 23, 1842, provided that in case a claimant before it had proven his right under article fourteen and if it also appeared that his land had been taken from him by the Government, he should be entitled to select land in Mississippi, Louisiana, Alabama or Arkansas, and that he should have a certificate issued to him to that effect.

Q Did any of your ancestors receive any such certificates which were called scrip from the United States as Choctaw Indians?

A I don't know; I heard my grandfather Harris say that he had a scrip but I don't know.

Q That was Jackie Harris was it? A Yes sir.

Q Did he have any other name than Jackie Harris? A No, only a nick-name; they called him Johnnie.

Q Did he speak the Choctaw language? A I don't know.

Q You never heard that he went before either of these two Commissions? A No sir.

Q Ever hear of his having land from the Government at all? A No sir.

Q Have you any documentary evidence you want to introduce now?

A These papers.

Sworn statement of Barten McRoberts who appeared before Charles P. Spieler, Notary Public, presented by this applicant, received,

filed, marked EXHIBIT "A" and made a part of the record in this case; sworn statement of B.M. English sworn to before Charles F. Spieler, Notary Public, presented by this applicant, received, filed, marked EXHIBIT "B", filed and made a part of the record in this case.

Q In this affidavit of B.M. English he swears that he knows Miss Sallie Snyder the wife of William Snyder; is that your name? A Yes.

Q This Sallie in the statement is intended to represent you Sarah E. Snyder? A Yes sir.

Q In this affidavit of Barten McRoberts he swears that he knows Mrs. Sallie Snyder, wife of William Snyder; is that your name? A Yes.

Q Sallie Snyder is the same identical person as Sarah E. Snyder? A Yes sir.

Q Have you anything more you want to introduce? A No sir.

Q Have you any proof, of the marriage between your father and mother?

A Not here; but I think there was several of my brothers went to Booneville for the certificate.

Q Can you speak or understand the Choctaw language? A No sir.

Q Is there anything more you want to say now in reference to this matter? A No sir.

Q You are a relative of John Snodgrass, Susan Francis Goffelt and Mary Jane Walser who have already appeared here? A Yes sir.

Q How do you want the testimony and records in these cases examined when yours is in order that you may get the benefit of their testimony? A I guess it wouldn't make it any worse.

Q Well, you can have it if you wish? A I don't know.

Reasonable time is allowed this applicant in which to file additional evidence, either documentary evidence or any other proper evidence in support of her application and the application she makes for her grand-child; also time to file proof of the marriage between her father and mother, and also proof of the marriage of the parents of her grand child, Leoda Snyder.

Applicant appears to be descended from white parents; has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830. She has dark complexion; high cheek bones, dark brown eyes and dark brown hair.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 16, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of October, 1901.

Charles H. Sawyer
Notary Public.

Muskogee, Indian Territory, November 29, 1901.

Linebaugh Brothers,

Attorneys at Law,

Atoka, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the twenty fifth instant, with which you inclose certified copy of the marriage certificate between Edward Snodgrass and Lucy Harris, and certified copy of marriage certificate between William J. Snyder and Sarah Elizabeth Snodgrass, which you offer for filing in support of the application for identification as Mississippi Choctaws of Sarah E. Snyder, et al. The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

MC 3769

Muskogee, Indian Territory, December 2, 1901.

Sarah E. Snyder,
Lexington Junction, Missouri.

Dear Madam:

In the matter of the applications for identification
as Mississippi Choctaws of

John Harris et al., John L. Jones,
Margaret E. Rodgers et al., James M. Jones et al.,
Fannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on October 16, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and your grandchild, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

S. E. S.--2.

January 13, 1908, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3769

Commissioner in Charge.

Muskogee, Indian Territory, December 4, 1901.

Linebaugh Brothers,

Attorneys at Law,

Atoka, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 2, with which you inclose the marriage certificate between E. P. Snyder and Ada Dalton which you offer for filing in support of the application for identification as Mississippi Choctaws of Sarah E. Snyder, et al., and certified copy of marriage license and certificate between William L. Snyder and Arela Bayles, which you offer in support of the application for identification as Mississippi Choctaws of William L. Snyder, et al. The same have been duly filed with the records in these cases.

Yours truly,

Commissioner in Charge.

MO3769
MO3848

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Chas. 3769

COPY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

Sarah N. Snyder,

Lexington Junction, Missouri,

Dear madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

“‘Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.’

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississispi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

W. H. Hootles

Commissioner in Charge.

Registered.

C R - 3769

Muskogee, Indian Territory, April 24, 1902.

Sarah E. Snyder,

Lexington Junction, Missouri.

Dear Madam:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Cheptaws of the several persons included in the consolidated case of John S. Martin, et al.; of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Acting Chairman.

MOR 3769

Muskogee, Indian Territory, December 27, 1905.

Mrs. S. E. Snyder,
c/o M. W. Williamson,
Kiowa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, requesting to be advised if there is any way by which your case could be reopened for the introduction of testimony and evidence in order that you and your family might establish your claim as Mississippi Choctaws.

In reply you are informed that this office has no authority to reopen Mississippi Choctaw cases. Rehearings are only granted by the Secretary of the Interior and in such cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in Mississippi or Alabama in 1830 and heads of families, and, as such, complied with the provisions of article 14 of the Choctaw treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In

S E S 2

some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Commissioner.

REPLY IN REPLY TO THE FOLLOWING:

M.C.R. 3762.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 16, 1906.


Sarah E. Snyder,

Kiowa, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

MCR-3762.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 28, 1907.

Sarah E. Snyder,
Kiowa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 28, 1907, in reference to your claim to citizenship in the Choctaw Nation.

In reply you are advised that it appears from the records of this office that you are an applicant for identification as a Mississippi Choctaw in the consolidated case of John S. Martin et al, in which case the Commission to the Five Civilized Tribes, on March 3, 1902, rendered a decision adverse to the applicants therein, the same being affirmed by the Secretary of the Interior April 14, 1902.

You are further advised that a petition for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin et al was filed June 26, 1906, by J. O. Pool, attorney at law, South McAlester, Indian Territory, and on November 7, 1906, said petition was denied by the Secretary of the Interior.

This case is now considered closed.

Respectfully,


Commissioner.

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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Sarah E. Snyder,

viowa, Indian Territory.

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3769



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Opened by mistake by
H. Snyder.



~~Sarah E. Snyder,~~

~~Kiowa, Indian Territory.~~

3769
Mrs. Chas. T. Snyder

No. 3769

For Identification as a Mississippi Choctaw.

Date

OCT 16 1901

Name Sarah E. Snyder

Age 62

Blood ~~don't know~~

Post Office, Searington Junction, Mo.

{ Father: Edward Snodgrass, d.

{ Mother: Lucy " d.

Claims through mother

Husband William J. Snyder, w.

No claim for husband.

Grand -

Children -

Leoda Snyder - 7

father - Ed Snyder, l.

mother Ada " d

Leoda claims through her father.

Stenographer

H. G. Haine,

Choctaw MCR 3770

Charles C. Snyder

See MCR D. 1

MCR 3770

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 16, 1901.

3770

In the matter of the application of Charles C. Snyder for the identification of himself and his two minor children as Mississippi Choctaws.

No attorney for applicant.

Charles C. Snyder being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charles C. Snyder.
Q What is your age? A Thirty three in December.
Q What is your post office address? A Richmond, Missouri.
Q How long have you lived there? A About six years.
Q Where did you live before that? A Carrolton, Missouri.
Q How long were you in Carrolton? A I don't know just how long; I was there three or four times.
Q Did you ever live in any other State than Missouri? A Colorado and Kansas.
Q Where were you born? A Cooper County, Missouri.
Q How long did you live there? A I left when I was small.
Q And you went where? A Wheaton, Missouri?
Q Where did you go from there? A Kansas.
Q How long were you in Kansas? A About a year or so.
Q In the same place in Kansas? A Yates Centre and Neosha Falls.
Q And there where did you go then? A Back to Missouri.
Q How long then did you live in Missouri; ever since? A No; then I went out to Colorado for a couple months and have come back and lived there ever since.
Q What is your father's name? A William Snyder.
Q Is he living? A Yes sir.
Q Is he a white man? A Yes sir.
Q What is your mother's name? A Sarah E. Snyder.
Q Is it the same Sarah E. Snyder who appeared before the Commission for identification today, October 16? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A She was three sixteenths. And I don't know what I am.
Q She didn't claim any. A Well, she is my mother.
Q You claim a half of three sixteenths- that would be three thirty-seconds; you claim that do you? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A I don't know.

Choctaw MCR 3770

Charles C. Snyder

See MCR D.1

MCR 3770

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 16, 1901.

3770

In the matter of the application of Charles C. Snyder for the identification of himself and his two minor children as Mississippi Cheetaws.

He attorney for applicant.

Charles C. Snyder being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charles C. Snyder.
Q What is your age? A Thirty three in December.
Q What is your post office address? A Richmond, Missouri.
Q How long have you lived there? A About six years.
Q Where did you live before that? A Carrelton, Missouri.
Q How long were you in Carrelton? A I don't know just how long; I was there three or four times.
Q Did you ever live in any other State than Missouri? A Colorado and Kansas.
Q Where were you born? A Cooper County, Missouri.
Q How long did you live there? A I left when I was small.
Q And you went where? A Wheaton, Missouri?
Q Where did you go from there? A Kansas.
Q How long were you in Kansas? A About a year or so.
Q In the same place in Kansas? A Yates Centre and Neesha Falls.
Q And there where did you go then? A Back to Missouri.
Q How long then did you live in Missouri; ever since? A No; then I went out to Colorado for a couple months and have come back and lived there ever since.
Q What is your father's name? A William Snyder.
Q Is he living? A Yes sir.
Q Is he a white man? A Yes sir.
Q What is your mother's name? A Sarah E. Snyder.
Q Is it the same Sarah E. Snyder who appeared before the Commission for identification today, October 16? A Yes sir.
Q Through which parent do you claim Cheetaw blood? A My mother.
Q How much Cheetaw blood do you claim? A She was three sixteenths. And I don't know what I am.
Q She didn't claim any. A Well, she is my mother.
Q You claim a half of three sixteenths- that would be three thirty-seconds; you claim that do you? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by either the Cheetaw tribal authorities or the United States authorities in the Indian Territory?
A I don't know.

Q When and where were your father and mother married? A I don't know.
 Q You don't know under what circumstances; by license or minister?
 A No sir.

Reasonable time will be allowed you in which to file proof of the marriage of your father and mother in support of the application you make for yourself and children.

Q Do you know where your mother was born? A I have always heard it said in Cooper County, Missouri.
 Q When? A She is sixty two years old now.
 Q Sixty two years ago? A Yes sir.
 Q She claims through which parent, father or mother? A Mother.
 Q What was her mother's maiden name? A Harris, I believe.
 Q What was her married name? A Snodgrass.
 Q What was the given name? A Lucy.
 Q Lucy Harris was her maiden name and Lucy Snodgrass her married name? A Yes sir.
 Q Her father's name was what? A Jack Harris.
 Q Did she claim through her father- her Choctaw blood? A Yes, I understand so.
 Q And he claimed through which parent? A His father.
 Q What was his name? A William Harris, I have understood.
 Q How much Choctaw blood did William Harris claim? A I don't know.
 Q Where did your mother go to from Cooper County? A To several different places in Missouri and then to Kansas.
 Q When did she go to Kansas? A Well, it was in 1888 I think.
 Q And lived how long in Kansas? A I don't remember; I wasn't around her; I think a couple years.
 Q And then where did she go to? A Missouri.
 Q How long was she in Missouri then? A I don't know just how long.
 A Little while? A Yes; six or seven years.
 Q Then she went--? A Vancouver, B.C.
 Q And stayed how long there? A About two years.
 Q Then she went--? A Back to Missouri.
 Q And has lived there since? A Yes sir.
 Q What place in Missouri? A Lexington Junction.
 Q How many years there last past? A Not a year yet-
 Q Right near there--? A Six or eight months.
 Q Are you married? A Yes sir.
 Q What is your wife's name? A Grace McCauley, was her surname.
 Q Snyder now, is it? A Yes sir.
 Q What is her nationality? A I have always accused her of being Irish descent, but she don't claim it.
 Q She is white? A Yes sir.
 Q Do you make any claim for her? A No sir.
 Q Have you any children you want to make application for? A Yes, I have two.
 Q What is the name of the eldest? A Glenn E. Snyder; G-l-e-n-n.
 Q How old is Glenn E. Snyder? A Seven years past.
 Q And the name of the next? A Roy L. Snyder.
 Q How old? A Five years past.
 Q Is that all? A That's all.
 Q Is Grace Snyder the mother of these children? A Yes sir.
 Q You claim for yourself and children? A Yes sir.
 Q Are these children living with you at your home? A Yes sir.

Q You are their father? A Yes sir.

Q When and where were you married to your wife, Grace? A In November 21, 1892.

Q Where? A Marceline, Missouri.

Q By a minister, under a license? A Yes sir.

Q Have you proof of your marriage with you? A I have the marriage certificate.

Reasonable time will be allowed this applicant in which to file copy of this certificate.

Sworn statement of John G. Snodgrass presented by applicant, received, filed, marked Exhibit "A", and made a part of the record in this case; also sworn statement of F.M. Martin is offered by applicant, received, filed, marked EXHIBIT "B", and made a part of the record in this case.

Q Have you any other evidence that you would like to present now? A No sir.

Reasonable time will be allowed this applicant to file in support of this case evidence of any proper kind; also of the marriage of his mother's parents.

Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.

Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

Q Did you ever make application to the Choctaw tribal authorities for citizenship, for yourself and children, in the Choctaw Nation? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.

Q Is this the first application you have ever made for yourself or children to either the Choctaw tribal authorities or the United States authorities? A Yes sir.

Q Do you now come before the Commission for the purpose of identifying yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Not fully; I have heard it read through and explained.

Q Would you like a further explanation? A No, I guess not.

Q Do you think you understand article fourteen of the treaty of 1830 now, after hearing it read and explained sufficiently to determine whether you claim under it or whether your ancestors ever complied with its provisions? A Well, I don't know whether I understand it well enough to say that I do.

Q You know what a treaty is? A I think I do.

Q Its an agreement between Nations. An individual sometimes makes an agreement with another individual or corporation, which is a collection of individuals sometimes makes a agreement in writing with another corporation; there are different kinds of corporations, one is a State and that sometimes makes a contract with the other States by representatives, and Nations may also make a agreement in writing by its representatives and then it is called a treaty when

between one or more Nations. In 1830 the Treaty of Dancing Rabbit Creek was entered into between the United States Government on the one hand and the Choctaw Nation on the other; they lived at that time in the old Choctaw Nation, which was partly in Mississippi and partly in Alabama. The object of the treaty was to get all the Choctaws who lived in the old Choctaw Nation to leave that Nation and make their home in the new Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians wouldn't come to the Choctaw Nation Indian Territory, and in order to protect their interests article fourteen was put into the treaty of 1830: An article in a treaty is just one of the subdivisions of it. Now article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity?"

Q Do you understand that article now? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article fourteen as read and explained to you? A I don't know.

Q What was the name of the Choctaw ancestor that lived in Mississippi in 1830, if you can tell? A Jack Harris, I think.

Q Jack Harris lived in Mississippi in 1830? A Well, I don't know whether its Jack or William.

Q Did you ever hear of William Harris? A Yes sir.

Q Who is he? A He was a brother of Jack Harris, I think. (His mother interrupts and tells him it is his father.) I don't know only what I have heard. Q Do you know when or where William Harris was born? A No sir.

Q Or where or when he died? A No sir.

Q Or where he lived when he was alive? A No sir.

Q Do you know whether he lived in Mississippi at all? A No sir.

Q Do you know the name of any of his children? A No sir.

Q Who was Jack or Jackie Harris? A I have heard that he was my grandfather's father.

Q What relation was he to William, do you know? A No sir.

Q Do you know whether Jack Harris lived in Mississippi at any time in his life? A No sir.

Q Do you know whether any of your ancestors lived in Mississippi or Alabama? A No sir.

Q You claim through your mother? A Yes sir.

Q She claimed through her--? A Mother.

Q What was her name? A Lucy Snedgrass.

- Q What was her maiden name? A Harris.
- Q What was her father's name? A Jack Harris.
- Q Did she claim from Jack Harris? A Yes, I have heard so.
- Q And Jack Harris was what relation to William Harris? A I don't know.
- Q Can you give the name of your Choctaw ancestor in that line or any other line that had Choctaw blood and lived in Mississippi?
- A No sir.
- Q You don't know whether any Choctaw ancestor of yours lived in Mississippi at any time? A No sir.
- Q Do you know when Lucy Snodgrass was born? A No sir.
- Q Or when or where she died? A No sir; in Deeper County, Missouri, but I don't remember the date.
- Q She was Jack Harris' daughter? A So I have understood it.
- Q You don't know anything about when he was born and when he died or where he lived? A No sir.
- Q Do you know whether any of your Choctaw ancestors ever owned any improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation, Indian Territory, between 1833 to 1838? A No sir.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Col. Ward, and tell him that they wanted to live in Mississippi and take land there in the old Choctaw Nation? A Not that I know.
- Q Did any of your Choctaw ancestors claim any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.
- Q Did they claim or receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian agent, Col. Ward, was instructed by the Government to make a list of the names of all Choctaw claimants who claimed benefits under article fourteen and who went to him in his office within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. Col. Ward neglected to make a proper list of the names of all Indians who appeared before him claiming under article fourteen. His list contains but a few names of all those who did come before him within the time limited by the fourteenth article and the result of his neglect was this that a great many Choctaw Indians who held land in Mississippi or Alabama upon which they had improvements had that land and improvements taken from them. This caused many complaints among the Choctaw Indians, so that in 1837 by act of Congress approved March 3rd, 1837, a Commission was appointed which Commission went to Mississippi and heard a great many Choctaw claimants under article fourteen and made a list of the successful claimants who came before it. In 1842 another Commission was appointed by Congress which Commission went to Mississippi and did similar work there and made lists of the names of all the successful Choctaw claimants who came before it.

- Q Did any of your ancestors, to your knowledge, go before either the Commission of 1837 or that of 1842 and claim benefits under article fourteen as Choctaw Indians? A I don't know.

Q What relation is John Snedgrass to you? A Uncle.

Q What relation is Susan F. Coffelt? A Aunt.

Q What relation is Nancy J. Walser? A Aunt.

Q These relatives have appeared before the Commission for identification here at Ateka, claiming their Choctaw blood through the same ancestor through whom you claim, William Harris? A Yes sir.

Q Do you want their records and testimony made a part of the record in your case, so that they may be considered together? A Yes sir.

Q Your mother has also appeared before the Commission here today, October 16 claiming through William Harris? A Yes sir.

Q Do you want her testimony to be considered with yours and all the facts come in together? A Yes sir.

The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with the provisions of the fourteenth article of the treaty of 1830 or Dancing Rabbit Creek but that his land had been sold by the Government that he should be entitled to select lands elsewhere in the States of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that certificates should be given to him; these certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government under this Act of Congress? A I don't know.

Q Is there anything further you want to say now in support of your application, you can think of? A No sir.

Q Do you understand or speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, with the exception that he has dark complexion, dark hair, dark brown eyes. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 16, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17th day of October, 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, December 2, 1901.

Charles C. Snyder,
Richmond, Missouri.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

John Harris et al., John L. Jones,
Margaret E. Rodgers et al., James H. Jones et al.,
Fannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on October 16, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and two minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

C. O. S.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3770

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choct. 3770

COPY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

Charles G. Snyder,
Richmond, Missouri,

Dear Sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

“Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.”

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Wintrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin. Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelie Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississippi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

E C R - 2770

Washington, Indian Territory. April 24, 1903.

Charles C. Snyder,
Richmond, Missouri.

Dear Sir:

You are hereby advised that on the 14th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 18th day of March, 1903.

Yours truly,

Acting Chairman.

M.C.R. 3770.

COPY

Muskogee, Indian Territory, November 16, 1906.

Charles C. Snyder,

Richmond, Missouri.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Shootaw case of John S. Martin, et al.

Respectfully,

SIGNED

Tams Bixby,
Commissioner.

No. 3770

For Identification as a Mississippi Choctaw.

Date

OCT 18 1901

Name

Charles E. Snyder

Age

33 -

Blood

$\frac{3}{32}$ -

Post Office,

Richmond, Mo.

Father:

William Snyder, l.

Mother:

Sarah E. Snyder, l.

Claims through

mother

wife

Grace Snyder, W.

No claim for wife -

Children:

Glenn E. Snyder 7

Roy L

"

5.

Claims for
self and children

Stenographer

H. L. Harris

Choctaw MCR 3771

Mollie E. McLaughlin

See MCR 3796

MCR 3771

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 17, 1901.

3772

In the matter of the application for identification as Mississippi Cheestaw of Nellie E. McLaughlin and her four minor children Arthur G., William E., Charlie G., and Herman G. McLaughlin.

Applicant not represented by attorney.

Nellie E. McLaughlin being first duly sworn testified:

Examination by the Commission

- Q What is your name? A Nellie E. McLaughlin.
Q What is your age? A Twenty-six.
Q What is your post-office address? A Geber, Texas.
Q How long have you lived in Geber Texas? A I have lived around in the neighborhood about twenty-years.
Q Where were you born? A In Tennessee.
Q Where in Tennessee? A I don't know what County I was small when I left there.
Q Where did you go to from Tennessee? A Mississippi.
Q How long did you live in Mississippi? A I don't know I don't remember it.
Q Where did you go to from Mississippi? A To Texas.
Q And have lived there ever since? A Yes sir.
Q What is your father's name? A William E. Johnson.
Q Is he living? A No sir.
Q What is your mother's name? A Nancy E. Johnson.
Q She living? A No sir.
Q Through which parent do you claim Cheestaw blood? A Father.
Q How much Cheestaw blood do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Cheestaw tribe of Indians by the Cheestaw tribal authorities or the United States authorities? A Not that I know of.
Q When and where were your father and mother married? A I don't know.
Q You know when? A No sir.
Q You know whether they were married by a minister and under a license? A I suppose they were.
Q Have you proof of their marriage with you? A No sir.

A reasonable time will be allowed you in which to furnish proof of the marriage of your father and mother.

- Q Are you married? A Yes sir.
Q What is your husband's name? A George S. McLaughlin.
Q What is his nationality? A He is white.
Q You make any claim for him? A No sir.
Q Give me the name of the eldest unmarried child under twenty one years of age that you want to make application for? A Arthur G. McLaughlin.
Q How old is he? A Seven years old.
Q Next? A William E.
Q How old? A He is five.
Q Next? A Charlie G.

- Q How old? A Three.
- Q Next? A Norman G.
- Q How old? A One.
- Q Is George S. McLaughlin the father of these children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q You claim for yourself and children? A Yes sir.
- Q When and where were you married to your husband George S. McLaughlin? A I was married November 25th 1898 at Bailey, Texas.
- Q By a minister? A Yes sir.
- Q When did your father die? A He has been dead about twenty-one years.
- Q How old was he when he died? A I don't know he would be about fifty-one now.
- Q Where was he born? A I don't know.
- Q You don't know what State? A No sir.
- Q He claims through which parent father or mother? A Father.
- Q What was his father's name? A Ruf. Johnson.
- Q Where was he born? A I don't know.
- Q You don't know what State? A No sir.
- Q Through which parent did he claim Choctaw blood, father or mother? A Father.
- Q What was his name? A Samuel Johnson.
- Q Did he ever live in Mississippi? A Yes sir.
- Q Did Ruf Johnson his son? A Yes sir.
- Q Do you know through whom Samuel Johnson claimed his Choctaw blood? A No sir.
- Q Do you claim through Samuel Johnson? A Yes sir.
- Q You know when and where he was born? A No sir.
- Q When and where he died? A No sir.
- Q How long he lived in Mississippi? A No sir I don't know.
- Q How much Choctaw blood did he have? A He was a full blood.
- Q How do you know he was a full blood? A I have been taught that by people.
- Q Family tradition? A Yes sir.
- Q Did he have any other name than Samuel Johnson, any Indian name? I don't remember.
- Q Did he speak the Choctaw language? A I don't know.
- Q Do you know whether your name or the names of any of your children are on the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you ever make application for yourself and children to the Choctaw tribal authorities for citizenship, in the Choctaw Nation? A No sir.
- Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory, either you or your children? A No sir.
- Q Is this the first application of any kind you have ever made? A Yes sir.
- Q Or any one for you? A Yes sir.
- Q Do you now come before the Commission for the identification of you yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q You understand that article of that treaty? A Yes I understand that provisions were made for all that wanted to stay in Mississippi.
- Q Have you heard it explained to you? A Yes I heard what the article was.
- Q You know what a treaty is I presume? A Yes sir.

A treaty was made in 1830 between the United States and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek. The object of that treaty was to secure the removal of all the Choctaws from the Country then occupied by them in Mississippi and a small portion of Alabama to the New Choctaw Nation west of the Mississippi River. Before the treaty was signed it became evident that a great many Choctaws would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians article fourteen was put into the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You claim under that article? A Yes sir.
- Q You think you understand that now? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830 as read to you, that is did they do these things? A I have been taught that my grandfather Samuel Johnson did.
- Q You were told that he went to the United States Indian Agent and told him that he wanted to stay in Mississippi and take land there? A Yes sir.
- Q Have you any proof of that? A No only what I have been told in the family.
- Q Do you know whether any of your ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A No sir I do not know anything about it.
- Q Did any of your Choctaw ancestors, Samuel Johnson or any others own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Do you know whether he was the head of a family in Mississippi at that time? A Yes sir.
- Q You don't know when he was born and where he died and when he died? A No sir.
- Q Or where his son was born or died? A My grandfather lived in Mississippi.
- Q What was his name? A Rufus Johnson.
- Q Did Rufus Johnson go from Mississippi to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Did Samuel Johnson go from Mississippi or Alabama to the Choctaw Nation Indian Territory? A Not that I know of.
- Q Or any other's of your ancestors? A No sir.
- Q Did Samuel Johnson or his son Rufus or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward that

#4

they intended to stay in Mississippi and take land there? A I don't know.

Q Did any of your Choctaw ancestors claim or receive any land in Mississippi under article fourteen of the treaty of 1830? I don't know.

Q Did they claim or receive any land or any benefits under any other article than article fourteen or under the supplement of that treaty? A Not that I know of.

Q You say Samuel Johnson was a full blood Choctaw Indian? A Yes sir.

Q Have you any documentary evidence or evidence of any kind except what you have been taught in your family that he was a Choctaw Indian? A No sir.

Q You think if you were given time in which to introduce such evidence you would get some? A Yes sir.

A reasonable time will be allowed this applicant in which to produce proof to show that any of her ancestors were Choctaw Indians and also to prove compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent Colonel Ward who lived in Mississippi at that time was instructed by the government to make a list of the names of all Choctaw Indians who within six months after the ratification of the treaty of 1830 told him that they intended to live in Mississippi and take land there. This Indian Agent failed to do this, so that Ward's register contains the names of but a very few Choctaw Indians who made their application before him within the time limited under article fourteen of the treaty of 1830. On account of this neglect on the part of the Indian Agent a great many Indians who had improvements in Mississippi lost both the improvements and the land upon which they were located, it was sold by the government at public land sales. This caused many complaints and in 1837 Congress by act approved March 3rd of that year appointed a Commission, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of successful claimants. In 1842 another Commission was appointed for the same purpose and they made lists of successful claimants who claimed rights under article fourteen of the treaty.

Q Did any of your Choctaw ancestors, Samuel Johnson or Rufus Johnson or any other of your Choctaw ancestors claim any benefits under article fourteen of the treaty of 1830 before either of these Commissions that of 1837 or the Commission of 1842? A I don't know.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and that his land had been taken from him he should be entitled to select land elsewhere either in Mississippi, Arkansas, Louisiana or Alabama to be taken from vacant government lands and that a certificate should be issued to him to that effect. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government? A I don't know.

Q Is there anything further that you want to say about your case, anything you can think of? A I don't know of anything more.

- Q You speak or understand the Choctaw language? A No sir.
 Q Have any of your relatives ever made application for identification as Mississippi Choctaws before the Commission here at Atoka? A Yes my brothers.
 Q What is his name? A Rufus M. Johnson.
 Q When did he appear? A About two or three weeks ago.
 Q The next brother? A Lem D. Johnson.
 Q Any others? A They made application for a brother that was in the Philippines.
 Q You want to have their testimony considered when yours is taken up for consideration in order that you may get the benefit of what they have testified to? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has medium dark complexion, dark brown hair. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 17th 1901 and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of October 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of November 1901.

Charles M. Hutton
 Notary Public.

COPY.

M O R 3771

Muskogee, Indian Territory, July 24, 1902.

Mollie E. McLaughlin,

Okmulgee, Texas.

Dear Madam:

You are hereby advised that on the 24th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Elizabeth Glade, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Elizabeth Glade, et al.,	M O R	3796
Rufus E. Johnson, et al.,	"	3687
Mollie E. McLaughlin, et al.,	"	3771
Leah E. Johnson, et al.,	"	3658

These applications were made under the provisions of the act of Congress of June 22, 1898 (30 Stat., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Elizabeth Glade, Rufus E. Glade, William E. Glade, Samuel A.

Mellie E. McLaughlin-2

Slade, Verda E. Slade, Jewel Slade, Velmer Slade, Rufus E. Johnson, Percy Johnson, Mellie E. McLaughlin, Arthur G. McLaughlin, William R. McLaughlin, Charlie G. McLaughlin, Harman G. McLaughlin, Lena E. Johnson, and John H. Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for such lands be such lands as ordered, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

M C R 3771

CONF.

Muskogee, Indian Territory, September 5, 1902.

Mellie E. McLaughlin,

Geber, Texas.

Dear Madam:

You are hereby advised that on the 28th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Elisabeth Slade, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

James D. Kirby

Acting Chairman.

No. 3771

For Identification as a Mississippi Choctaw.

Date OCT 17 1901

Name Mollie E. McLaughlin

Age 26

Blood 1/8

Post Office, Lober, Texas -

Father; William H. Johnson, 7

Mother; Nancy E. " 5

Claims through father

husband George D. McLaughlin, w.

No claim for husband

Children:

Arthur S. McLaughlin, 7

William R. " 5

Charlie E. " 3

Herman S. " 1

Claims for self & children -

Stenographer G. R. Rasmussen

Choctaw MCR 3772

Eliza Holloway

MCR 3772

See MCR 3776, 3799, 3788
3779, 3775, 3785, 3781, 3790
3789, 3786, 3782, 3784, 3764, 3783
3787, 3791, 3792, 3765, 3644, 3825
3826, 3824, 3828, 3827, 3777, 3773
3808, 3774, 3647, 3648, 3778, 3645
3646

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 27, 1901.

3772

In the matter of the application for identification as Mississippi Choctaws of, Eliza Holloway and her four minor children Gertrude, Roy, Marshall and Lillie Holloway.

Applicant not represented by attorney.

Eliza Holloway being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Eliza Holloway.
Q What is your age? A Fifty.
Q What is your post-office address? A Howe, Grayson County, Texas.
Q How long have you lived there? A I have been living there thirty years.
Q Where did you live before you lived in Howe? A Louisiana.
Q What place in Louisiana? A Bossier Parish.
Q You always lived there before you lived in Texas? A Yes sir.
Q What is your father's name? A Augustus Martin.
Q Is he living? A Yes sir.
Q Is your mother living? A No sir she is dead.
Q What was her name? A Mary F. Martin.
Q Do you claim through a Harris as an ancestor? A No sir.
Q What is the name of the ancestor through whom you claim your Choctaw blood who lived in Mississippi going back to your father grandfather or great grandfather? A Green B. Allen.
Q Who is he? A My ~~great~~ grandfather.
Q Is that who you claim through? A No William Allen his father.
Q You have had some relatives who have applied who claimed through William Allen? A I have an uncle.
Q What is his name? A I. B. Allen.
Q What does that I stand for? A Isaac.
Q Any others? A I have some cousins?
Q What are their names? A Waldrup and Spurlin family.
Q These people that you have named are related to you and have been here previously and have made application for identification as Mississippi Choctaws? A Yes sir.
Q You want to have their testimony taken into consideration with yours when your case is taken up by the Commission for consideration? A Yes sir.

- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A One-eighth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A I don't know.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A J. M. Holloway.
- Q Is he a white man or an Indian? A He is white.
- Q You make any claim for him? A No sir.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A I have four.
- Q What is the name of the eldest? A Gertrude Holloway
- Q How old is she? A Nineteen.
- Q The next child? A Roy he is fifteen.
- Q Next? A Marshall.
- Q How old? A He is twelve.
- Q Next? A Lillie Holloway.
- Q How old? A She is eighth.
- Q Is J. M. Holloway the father of these children? A Yes sir.
- Q And you are the mother? A Yes sir.
- Q Are they living with you at your home? A Yes sir.
- Q Was you ever married before married your present husband? A No sir.
- Q Was he ever married before? A No sir.
- Q By whom were you married, by a minister or a Justice of the Peace? A Yes I reckon we was, we was married close to Texas, Paris Lemar County.
- Q You remember when you were married? A It was the 10th of September 1868.
- Q You want to make application for yourself and these children do you? A Yes sir.
- Q Is your name or are the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for yourself and children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? A Yes sir.
- Q You now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes I think I do.
- Q Tell me all about it, what does that article provide? A It provides for the Mississippi Choctaws.
- Q To do what? A No answer.
- Q Do you want to have it explained? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Nation who occupied lands in

Mississippi and Alabama, in parts of those two States in what was called the old Choctaw Nation. The object of that treaty was to get all the Choctaw Indians who lived in the old Choctaw Nation to leave that section of the Country and come to the New Choctaw Nation Indian Territory in order that they might have their own tribal government undisturbed by the encroachments of the whites or anybody else. Before the treaty was signed it became evident that a great many Choctaws would not go to the Choctaw Nation Indian Territory, some provision had to be made for them or otherwise the treaty would not have been signed. Article fourteen was made a part of the treaty for the benefit of these Choctaws. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A No answer.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, as I have read them to you. Did they do any of these things that I said they should do under article fourteen?
- A I don't know.
- Q What was the name of the ancestor who you claim lived in Mississippi? A William Allen.
- Q When did he leave there? A I don't know.
- Q You claim through your mother, Mary F. Martin, what was her maiden name? A Mary Allen.
- Q What was her father's name? A Green Allen.
- Q How much Choctaw blood did William Allen have? A I think one-half or three fourths.
- Q You claim one-eighth now; how do you get one-eighth, your mother Mary must have had twice as much as you, then she would have had one-fourth? A Yes sir.
- Q Then her father would have been one-half? A Yes sir.
- Q And his father must have been twice as much as that which would have been a full blood? A Well we really don't know whether he was a full blood.
- Q Then you don't really know that you are one-eighth? A No I really don't know only what I have been told.
- Q Did William Allen have a Choctaw Name and did he speak the Choctaw language? A I don't know it has been so long ago.
- Q Do you know if he lived in Mississippi in the year 1830? A Well he lived there but I don't know whether it was that year.
- Q When he lived there was he the head of a family? A Yes he had two sons.
- Q Was he born in Mississippi? A I don't know.
- Q Did he die there? A I don't know that.
- Q Did his son Green Allen always live in Mississippi? A No he came from Mississippi to Louisiana.

- Q Was he born in Mississippi? A I don't know.
- Q You don't know when he was born? A No sir.
- Q Or when he died? A No sir.
- Q Do you know whether any of your Choctaw ancestors owned any improvements on land in Mississippi in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Choctaw Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they intended to stay in Mississippi and take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama as Choctaw Indians from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did they claim or receive any land under any other article of the treaty of 1830 or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent Colonel Ward who lived in Mississippi at that time was instructed by the government to make a list of the names of all Choctaw Indian claimants who came before him within six months from the ratification of this treaty and told him that they wanted to stay in Mississippi and take land there. This Agent neglected to record the names of many, the greater portion of those Choctaws who did come before him so that Ward's register contains the names of but a few of all those who really came before him and made declarations to remain in Mississippi or Alabama and take advantage of the provisions under article fourteen and as a result of this neglect a great many Indians who had land in Mississippi and Alabama upon which they owned improvements had that land taken from them and they lost both the land and they improvements. This caused many complaints on the part of the Indians so that finally in 1837 a Commission was appointed by act of Congress of March that year, which Commission went to the State of Mississippi and heard all Choctaw claimants who desired to come before it to claim benefits under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors go before either of these Commission that of 1837 or the Commission of 1842 and claim benefits under article fourteen of the treaty of 1830, do you know? A No sir.

The act of Congress approved August 23rd 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him he should be entitled to select land elsewhere, either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A No sir.

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- Q You never heard that they did? A No sir.
Q Have you any documentary evidence that you want to introduce now? A Yes sir.
Q Is your name H-a-l-l-e-w-a-y or H-e-l-l-e-w-a-y? A H-o-l-l-e-w-a-y.
Q This should be an "O" here? A Yes sir he has "A" instead of "O"

The sworn statement of Klisa Helloway, this applicant, is presented by her, received, filed marked exhibit "A" and made a part of the record in this case.

- Q Have you any other documentary evidence that you would like to introduce now? A No sir.
Q You have not the proof of the marriage between your father and mother with you? A No with me.
Q You think you can present it do you? A Yes I think I can.

A reasonable time will be allowed this applicant in which to file documentary evidence or other proper evidence in support of the application she makes for herself and her children, also proof of the marriage of her father and mother.

- Q Is there anything further that you would like to say in support of this claim? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has medium dark complexion, brown eyes and black hair. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 17th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 30th day of November 1901.

Edmund M. Wood
Notary Public.

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Ind

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Eliza Holloway, et al., for identification as Mississippian Choctaws, consolidating the applications of -

Eliza Holloway, et al.,	M C R 3772
Mary E. McCurdy, et al.,	M C R 3776
Cora Vaughan, et al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3799
Emmet Holloway, et al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et al.,	M C R 3781
George W. Holloway, et al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et al.,	M C R 3786
Green A. Martin, et al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et al.,	M C R 3764
Fannie E. Hall, et al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et al.,	M C R 3791
John N. Martin, et al.,	M C R 3792
James A. Martin, et al.,	M C R 3765
Isaac B. Allen, et al.,	M C R 3644
Clara P. Duke, et al.,	M C R 3626
John G. Allen, et al.,	M C R 3626
Charlie A. Allen, et al.,	M C R 3624
James T. Allen,	M C R 3628
Henry C. Allen,	M C R 3627
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et al.,	M C R 3773
Alfred J. Roberson,	M C R 3608
Elizabeth I. McMahan, et al.,	M C R 3774
John A. Waldrop,	M C R 3647
Achillis A. Waldrop,	M C R 3648
Prudie E. Wooten, et al.,	M C R 3778
Joseph T. Spurlin, et al.,	M C R 3645
Dixon G. Spurlin,	M C R 3646

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COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Holloway, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Eliza Holloway, et al.,	M C R 3772
Mary E. McCurdy, et al.,	M C R 3776
Gera Vaughan, et al.,	M C R 3780
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et al.,	M C R 3778
Kate O. Watts,	M C R 3785
Louisiana Alabama Holloway, et al.,	M C R 3781
George W. Holloway, et al.,	M C R 3790
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Joseph T. Spurlin, et al.,	M C R 3645
Dixon G. Spurlin,	M C R 3645

----- D E C I S I O N -----

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Nina Holloway for herself and her four minor children, Gertrude, Ray, Marshall and Lillie Holloway; by Mary E. McDurdy for herself and her three minor children, Clarence, Callie Mary and David Marshall McDurdy; by Oera Vaughan for herself and her three minor children, Henry, Clayburn and Florence Vaughan; by Robert Holloway for himself; by Callie Watts for herself; by Emmet Holloway for himself and his three minor children, Floyd Elmer, Ray Edward and Newton Holloway; by Kate O. Watts for herself; by Louisiana Alabama Holloway for herself and her four minor children, Henry Marshall, Ada Allie, Andrew Jackson and Sumner Beatrice Holloway; by George W. Holloway for himself and his two minor children, Arthur T. and Elmer E. Holloway; by Mark Holloway for himself; by Mary L. Allsup for herself and her minor child, Sumner E. Allsup; by Green A. Martin for himself and his five minor children, Ray A., Ernest C., Lee Ella, Stella L. and Carl H. Martin; by Mary E. Franklin for herself; by Henry C. Martin for himself and his four minor children, Beulah, Mabel, Clyde and Robbie Martin; by Jennie E. Hall for herself and her five minor children, James A., Joseph D., Martha Vernon, Mary M. and Floyd B. Hall; by Annie L. Francis for herself; by Barnes S. Johnson for his three minor children, Gussie H., Annie L. and Claude Johnson; by John H. Martin for himself and his two minor children, Hattie and Loral Martin; by James A. Martin for himself and his minor child, Truda Martin; by Isaac E. Allen for himself and his four minor children, George E., Bryant, Calvin E. and Donna Vista Allen; by Clara F. Duke for herself and her two minor children, Irene and Lucy Goughay; by John C. Allen for himself and his minor

child, Dwight V. Allen; by Charlie A. Allen for himself and his minor child, Albert J. Allen; by James T. Allen for himself; by Henry C. Allen for himself; by Linna B. Dedson for herself; by Mary K. Waldrop for herself and her two minor children, Alfred Spurlin and Mittie L. Waldrop; by Alfred J. Reberse for himself; by Elizabeth I. McMahon for herself and her seven minor children, Alfred Franklin, Emma I., Gideon W., Maudie Lee, Bertha M., Frankie F. Waldrop and Jessie Jewell McMahon; by John A. Waldrop for himself; by Achilles A. Waldrop for himself; by Freddie R. Wooten for herself and her minor child, Burnace Wooten; by Joseph T. Spurlin for himself and his three minor children, Estella May, Lula V., and Alfred J. Spurlin, and by Dixon G. Spurlin for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of the applicants embraced in the first twenty-five applications claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Allen, who is alleged to have been an one-half, a three-quarter or a full blood Choctaw Indian, and his son, Green B (or Green or Greene or Greene B) Allen, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty. All the other applicants claim said rights by reason of being descendants of the said William Allen and his son, Gideon (or Sid) Allen, who is alleged to have been a full blood Choctaw Indian,

and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provision of the act of Congress approved June 10, 1898 (30 Stats. 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Allen, or Green B. (or Green, or Greene, or Greene B.) Allen, or Gideon (or Gid) Allen, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy,

-4-

David Marshall McCarty, Cera Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Nellie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bessie Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allison, Bessie E. Allison, Green A. Martin, Ray A. Martin, Ernest G. Martin, Lee Ida Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie M. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Glendie Johnson, John E. Martin, Mattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Deana Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry G. Allen, Linna B. Dedson, Mary M. Waldrep, Alfred Spurlin Waldrep, Mittie L. Waldrep, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrep, Sam I. Waldrep, Gideon W. Waldrep, Maudie Lee Waldrep, Bertha M. Waldrep, Frankie P. Waldrep, Jessie Jewell McMahan, John A. Waldrep, Achilles A. Waldrep, Pradie M. Wooten, Barness Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the

applications for their identification as such should be refused and
it is so ordered.

THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

SIGNED

James Dixby.

Acting Commissioner.

WITNESSED

T. B. Needles.

Commissioner.

IN WITNESS

C. R. Brockmeyer.

Commissioner.

Muskogee, Indian Territory.

DEC 6 1902

Miss. Choct. 465
3644, 3772, 3592,
3644, 3793.

Muskogee, Indian Territory, February 26, 1902.

W. W. C. Greer,

Box 157, Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixteenth instant, in which you ask for a copy of the testimony of Jack Amos taken before the Commission at Meridian, Mississippi, about January 17, 1902, in support of the applications for identification as Mississippi Choctaws of J. A. Ladd, John W. Coker, and Jubilee T. Davenport. You also ask if additional testimony has been taken in support of the cases of J. A. Ladd, I. F. Allen and J. W. Holloway.

In reply to your letter you are advised that the Commission cannot supply copies of the testimony of Jack Amos, for the reason that there are not ^{number} sufficient ~~copies~~ of the same in the files to permit the withdrawal of one copy. If you will designate some reputable Notary Public whom you have ^{authorized} ~~designated~~ to make a copy of this testimony for you, he will be permitted to have access to the files for that purpose. No additional testimony has been taken in the cases referred to by you since our letter of the twentieth instant.

Yours truly,

COPY.

M. C. R. 3772

Waskagee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cernish,

Attorneys for Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et al.,	M C R 3772
Mary E. McGurdy, et al.,	M C R 3776
Cora Vaughan, et al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Russell Holloway, et al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et al.,	M C R 3781
George W. Holloway, et al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et al.,	M C R 3786
Green A. Martin, et al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et al.,	M C R 3764
Fannie E. Hall, et al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et al.,	M C R 3791
John E. Martin, et al.,	M C R 3792
James A. Martin, et al.,	M C R 3765
Isaac E. Allen, et al.,	M C R 3844
Clara P. Duke, et al.,	M C R 3825
John G. Allen, et al.,	M C R 3826
Charlie A. Allen, et al.,	M C R 3824
James T. Allen,	M C R 3828

Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et al.,	M C R 3773
Alfred J. Roberson,	M C R 3808
Elizabeth I. McMahan, et al.,	M C R 3774
John A. Waldrop,	M C R 3647
Achillis A. Waldrop,	M C R 3648
Prudie E. Wooten, et al.,	M C R 3778
Joseph T. Spurlin, et al.,	M C R 3645
Dixon G. Spurlin,	M C R 3646

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bamber Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bamber E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ila Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughay, Lucy Caughay, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achillis A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians

M M & C 2.

entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Yours truly,

Tamc Dixby

Acting Chairman.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3772

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

Eliza Holloway,
Howe, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3765
Isaac B. Allen, et. al.,	M C R 3644
Clara P. Duke, et. al.,	M C R 3625
John G. Allen, et. al.,	M C R 3626
Charlie A. Allen, et. al.,	M C R 3624
James T. Allen,	M C R 3628
Henry C. Allen,	M C R 3627
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3773
Alfred J. Roberson,	M C R 3808
Elizabeth I. McMahan, et. al.,	M C R 3774
John A. Waldrop,	M C R 3647
Achilis A. Waldrop,	M C R 3648
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3645
Dixon G. Spurlin,	M C R 3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamm Dickey.

Acting Chairman.

Registered.

MAKOGEE, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Eliza Holloway, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Eliza Holloway, et al.,	M.C.R. 3772
Mary B. McCurdy, et al.,	M.C.R. 3776
Cora Vaughan, et al.,	M.C.R. 3799
Robert Holloway,	M.C.R. 3788
Hallie Watts,	M.C.R. 3779
Emmet Holloway, et al.,	M.C.R. 3775
Kate O. Watts,	M.C.R. 3786
Louisiana Alabama Holloway, et al.,	M.C.R. 3781
George W. Holloway, et al.,	M.C.R. 3790
Mark Holloway,	M.C.R. 3789
Mary L. Allsup, et al.,	M.C.R. 3786
Green A. Martin, et al.,	M.C.R. 3783
Mary E. Franklin,	M.C.R. 3784
Henry G. Martin, et al.,	M.C.R. 3764
Fannie H. Hall, et al.,	M.C.R. 3783
Annie L. Francis,	M.C.R. 3787
Gussie M. Johnson, et al.,	M.C.R. 3791
John H. Martin, et al.,	M.C.R. 3792
James A. Martin, et al.,	M.C.R. 3768
Isaac B. Allen, et al.,	M.C.R. 3844
Clara P. Duke, et al.,	M.C.R. 3823
John G. Allen, et al.,	M.C.R. 3826

Charles A. Allen, et al.,	M.C.R. 3624
James T. Allen,	M.C.R. 3628
Henry G. Allen,	M.C.R. 3627
Linna B. Dedson,	M.C.R. 3777
Mary M. Waldrop, et al.,	M.C.R. 3773
Alfred J. Roberson,	M.C.R. 3808
Elizabeth I. McMahan, et al.,	M.C.R. 3774
John A. Waldrop,	M.C.R. 3647
Achillis A. Waldrop,	M.C.R. 3648
Prudie E. Wooten, et al.,	M.C.R. 3778
Joseph T. Spurlin, et al.,	M.C.R. 3645
Dixon G. Spurlin,	M.C.R. 3646

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamc Dinty

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 3772.

Muskogee, Indian Territory, December 23, 1902.

Elisa Holloway,

Howell, Texas.

Remailed Howell Texas. Jan'y 27. 1903.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you state that the letter of the Commission of December 5, 1902, notifying you of the refusal of your application for identification as a Mississippi Choctaw and granting 15 days within which to file argument in support of your claim, to be forwarded to the Secretary of the Interior, was not received by you until December 18, 1902.

You ask for an extension of time of 30 days within which to file such argument.

In reply you are informed that the 15 days granted applicants in Mississippi Choctaw cases within which to file arguments to be forwarded to the Secretary of the Interior with the record in their cases, are granted under specific instructions of the Secretary of the Interior and cannot be extended.

The time heretofore granted in your case expired on December 21, 1902, and on December 22, 1902, the record therein was forwarded to the Secretary of the Interior.

Respectfully,

Acting Chairman.

Land.
76,260-1902.

COPY.

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs,

Washington, February 3, 1903

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Eliza Holloway for herself and her four minor children, Gertrude, Roy, Marshall and Lillie Holloway; Mary E. McCurdy for herself and her three minor children, Clarence, Callie Mary and David Marshall McCurdy; Cora Vaughan for herself and her three minor children Henry Clayburn and Florence Vaughan; Robert Holloway for himself; Sallie Watts for herself; Emmet Holloway for himself and his three minor children, Floyd Elmer, Ray Edward and Newton Holloway; Kate O. Watts for herself; Louisiana Alabama Holloway for herself and her four minor children, Henry Marshall, Ada Allie, Andrew Jackson and Bessie Beatrice Holloway; George W. Holloway for himself and his two minor children, Arthur T. and Elmer E. Holloway; Mark Holloway for himself; Mary L. Allsup for herself and her minor child, Bessie E. Allsup; Green A. Martin

for himself and his five minor children, Ray A. , Ernest C., Lee Ila, Stella L. and Carl H. Martin; Mary M. Franklin for herself; Henry G. Martin for himself and his four minor children, Buelah, Mabel, Clyde and Robbie Martin; Fannie M. Hall for herself and her five minor children, James A. Joseph D., Martha Vernon, Mary M. and Floyd B. Hall; Annie L. Francis for herself; Harness S. Johnson for his three minor children, Gussie M. Annie L. and Claude Johnson; John M. Martin for himself and his two minor children, Hattie and Zeral Martin; James A. Martin for himself and his minor child, Trula Martin; Isaac B. Allen for himself and his four minor children, George E., Bryant, Calvin S. and Bue na Vista Allen; Clara P. Duke for herself and her two minor children, Irene and Lucy Caughey; John G. Allen for himself and his minor child Dwight V. Allen; Charlie A. Allen for himself and his minor child Albert J. Allen; James T. Allen for himself; Henry C. Allen for himself; Linna B. Dodson for herself; Mary M. Waldrop for herself and her two minor children, Alfred Spurlin and Mittie L. Waldrop; Alfred J. Rebersen for himself; Elizabeth I. McMahan for herself and her seven minor children, Alfred Franklin, Zoma I., Gideon W., Maudie Lee, Bertha M., Frankie P. Waldrop and Jessie Jewell McMahan; John A. Waldrop for himself; Achilles A. Waldrop for himself; Prudie E. Wooten for herself and her minor child, Burnace Wooten; Joseph T. Spurlin

for himself and his three minor children, Estella May, Lula V., and Alfred ^{J.} Spurlin, and Dixon G. Spurlin for himself, wherein a decision adverse to the applicants was rendered by the Commission on December 6, 1902.

The testimony in the case shows that the applicants claim descent from William Allen and his sons Green B. and Gideon Allen who, they claim, were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves did not comply or attempt to comply with the provisions of said treaty.

An examination of the records of this office has been made with reference to the names of William Allen and his sons Green B. and Gideon Allen, and their names are not found among the names of those who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being the case it is believed that the decision of the Commission was correct, and it is recommended that it be affirmed.

Very respectfully,

(Signed) A.C. TONNER,
Acting Commissioner.

H.B.H.
P.

D.C. 7522-1903.
I.T.D. 1356-1903.
L.R.S.

DEPARTMENT OF THE INTERIOR

F.H.E.

Washington.

March 14, 1903.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Eliza Holloway (M.C.R. 3772), Gertrude Holloway Ray Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bamber Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary B. Allsup, Bamber E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ella Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Euelah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson son, Claude Johnson, John E. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Buena Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen,

Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zema I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin, including your decision of December 6, 1902, refusing to identify them as such.

These applicants consisting of several generations, are the descendants of one William Allen, who was wither a 3/4 or full blood Choctaw Indian. They trace their descent from him through two of his sons, viz: Green and Gideon Allen.

It seems that William Allen died about 1822, and that Green Allen died about 1847.

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14, of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records of the government in your possession, as well as those of the Indian Office, fail to show that any person whatever, bearing the name of any of the

alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter February 3, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(Signed) F.L.CAMPBELL,
Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(S. S. S.)

Tanis Dickie
Chairman.

M.C.R. 2072

00-40
Muskogee, Indian Territory, March 24, 1903.

Eliza Holloway,

Howe, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Tams Dixby.

Chairman.

Consolidated
Case of Eliza
Martin, et al,

REFER TO M. C. 1372

William Allen, 1/2 or 3/4

father of

Green Allen ?
wife
Eliza Allen ?

Mary Allen, Dead
married
Augustus Martin, l.

Eliza Martin, 18, 50
married
John M Holloway, W.

mch 3775
Emmet Holloway, 30
wife
Julia Holloway, W.

mch 3775
Floyd Elmer Holloway, 5
Ray Edwards Holloway, 20
Newton Holloways, 10 m

mch 3776
Mary E. Holloway, 28
married
Albert W. McCurdy W.

mch 3776
Clarence McCurdy, 6
Callie May McCurdy, 4
David Marshall McCurdy, 9 m

mch 3777
Cora Holloway, 26, 1/16
married
David Vaughan

mch 3777
Henry Vaughan, 8.
Clayburn Vaughan, 7.
Florence Vaughan, 3.

mch 3778
Robert Holloway, 22

mch 3779
Sallie Holloway, 21, 1/2
married
Henry A. Watts, W.

mch 3780
Gertrude Holloway, 19,
Roy Holloway, 15,
Marshall Holloway, 12,
Lillie Holloway, 8.

William Allen, 1/2 or 3/4



Green Allen ?

wife

Eliza Allen ?

Mary Allen, Dead

married

Augustus Martin, L.

^{mch}
3788
Louisiana Alabama Martin
married

George W. Holloway, "Dead

^{mch}
3787
Green A Martin, 46
wife
Lucy L. Martin w.

^{mch}
3790
George W. Holloway, 27

wife

Pauline P. Holloway, w.

^{mch}
3789
Mark Holloway, 25

wife

Sallie Holloway, w

^{mch}
3788
Mary L Holloway, 22

married

Lee Crawford Alloupe

^{mch}
3787
Henry Marshall Holloway, 20

^{mch}
3785
Kate O. Holloway, 18

married

Tom. M. Watts w

^{mch}
3784
Ada Allie Holloway, 13

Andrew Jackson Holloway, 10

Bammer Beatrice Holloway, 7

^{mch}
3783
Mary E. Martin, 17

married

James E. Franklin, w

^{mch}
3782
Ray A. Martin, 14,

Ernest C. Martin, 12,

Lee Ida Martin, 8,

Stella L Martin, 6,

Carl H Martin, 1.

^{mch}
3790
Arthur T. Holloway, 3,
" Elmer E. Holloway, 1.

^{mch}
3786
Bammer E. Alloupe, 9m.

William Allen, 1/2 or 3/4

↓
of
↓

Green Allen, 1
wife
Eliza Allen, 1

Mary Allen, Dead
married
Augustus Martin living

Isaac B. Allen, 55, 1/2
wife
Mary Jane Allen, w

McK
3764 Henry E. Martin, 41
wife
Virginia Martin w.

McK
3783 Fannie E. Martin, 39
married
James H. Hall, w.

Ida Martin Dead
married
Harrison S. Johnson, w.

McK
3792 John A. Martin, 37
wife
Annie Martin, w.

McK
3765 James A. Martin, 38, 1/2
wife
Rinda Martin w.

McK
3825 Laura P. Allen, 31, 1/6
married
① Van. B. Caughey, w. Dead
② Mason Duke, w. L

McK
3826 John G. Allen, 30, 1/6
wife
Laura Elizabeth Allen w

McK
3824 Charlie A. Allen, 29, 1/6
wife
Ida, Allen w.

McK
3828 James I. Allen, 29, 1/6
McK
3827 Henry C. Allen, 26, 1/6

McK
264 George E. Allen 19,
" Bryant Allen 17,
" Edwin S. Allen 15,
" Bernadette Allen, 12.

McK
3764 Oulah Martin, 16
" Mabel Martin, 9
" Clyde Martin, 5
" Robbie Martin, 2

McK
3787 Annie L. Hall, 19
married
Henry B. Francis, w.

McK
3783 James A. Hall, 17
" Joe S. Hall, 15.
" Martha Vernon Hall, 13
" Mary B. Hall, 11
" Floyd B. Hall, 9

McK
3791 Gussie M. Johnson, 11
" Annie L. Johnson, 10
" Claude Johnson, 7

McK
3742 Hattie Martin 6
" Gerald Martin 1

McK
3765 Trula Martin 7 m

McK
3825 Irene Caughey, 10
" Lucy Caughey, 8

McK
3826 Dwight V. Allen, 1

McK
3824 Albert J. Allen, 1

William Allen, 1-2-3/4

Allen's

Gideon Allen, 2-

Mary A. Allen, dead -
married

Alfred J. Spurlin, dead

met
373

Mary M. Spurlin, 26 -
married

Harrison M. Waldrop

Frances E. Spurlin, dead -
married

John J. Roberson w.

met,
374

Elizabeth J. Spurlin, 42, 1/16
married

O. Franklin P. Waldrop w. dead
O. G. P. McMahan, w.

met
3645

Joseph J. Spurlin 32, 1/16
wife

Nora Spurlin w.

met
364

Dixon G. Spurlin, 24 1/16

Mary L. Waldrop, 21
married.

Hudson

met
377

Linna B. Waldrop, 19 1/32

married
O. H. Dodson, w

met
3773

Alfred Spurlin Waldrop, 16

" Mittie L. Waldrop, 14

met
3808

Alfred J. Roberson, 22, 1/32

met
3647

John A. Waldrop, 24 1/32

met
3648

Achilles A. Waldrop, 23, 1/32

met
3778

Prudie E. Waldrop, 21, 1/32

married

Arthur Wooten w

met
3724

Alfred Franklin Waldrop 19

" Zoma J. Waldrop, 17

" Gideon W. Waldrop, 15

" Maudie Lee Waldrop, 10

" Bertha May Waldrop, 8

" Frankie P. Waldrop, 5

" Jessie Jewell McMahan, 9m

met
3646

Estella May Spurlin 9

" Lula V. Spurlin, 7

" Alfred J. Spurlin, 1

met
3778

Burnace Wooten, 3m

No. 3772

For Identification as a Mississippi Choctaw.

Date _____

OCT 17 1901

Name Gliza Holloway -

Age 50

Blood

18

Post Office.

Post Office, *Harve, Texas*

Father;

Father; Augustus Marten, l

Mother.

Mother: Mary F. Martin, d.

Claims through

Claims through mother —

husband
J. M. Hallenay, W.

No claim for husband.

Children:

Gertrude H. 19 ..

Roy " 18-

Marshall " 12

Lillie " 8

Clara's family
children -

Stenographer

Stenographer *W. Racenstein*

Choctaw MCR 3773

Mary M. Waldrop

See MCR 3772

MCR 3773

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 17, 1901.

3773

In the matter of the application of Mary M. Waldrep for the identification of herself and her two minor children Alfred Spurlin, and Mittie L. Waldrep as Mississippi Choctaws.

Applicant not represented by attorney.

Mary M. Waldrep being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary M. Waldrep.
Q What is your age? A Forty-six.
Q What is your post-office address? A Howe, Texas.
Q How long have you lived at Howe? A I have lived there about Seventeen years.
Q Where were you born? A Louisiana.
Q Where in Louisiana? A Bossier Parish.
Q How long did you live there? A Until I was about twenty-one years old.
Q And then went to where? A Arkansas.
Q How long did you live in Arkansas? A About eight years.
Q From there you went to where? A Texas.
Q And have lived there ever since? A Yessir.
Q What is your father's name? A Alfred J. Spurlin.
Q Is he living? A No sir.
Q What is your mother's name? A Mary A. Spurlin.
Q Is she living? A No sir.
Q Through which one of your parents do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth or one-sixteenth.
Q Do you know which? A No sir, the same as Mrs. Holloway.
Q Well she was not certain? A Well I am not. I think this William Allen our great grandfather claimed to be three quarters.
Q You claim through William Allen? A Yessir.
Q And you think he was how much Choctaw blood? A About three quarters or one-half.
Q You don't know? A No sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Are you married? A Yes sir I have been but my husband is dead.
Q What was his name? A Harrison M. Waldrep.
Q He was a white man was he not? A Yes sir.
Q Have you any children that you want to make application for? A Yes sir. Two.
Q What is the name of the eldest? Alfred Spurlin Waldrep.
Q How old is he? A He is sixteen.
Q And the next? A Mittie L.
Q How old is she? A She is fourteen.
Q You have no other children? A I have two older ones.
Q They have to make their own application? A Yes they are married.
Q Was Harrison M. Waldrep the father of these children? A Yes sir.

- Q You are their mother? A Yes sir.
 Q Was he ever married before his marriage to you? A No sir.
 Q Did you ever marry before you married him? A Yes sir.
 Q Were you married by a minister and under a license? A Yes sir.
 Q When and where? A In Bossier Parish, Louisiana, the 2nd day of November 1871.
 Q When and where were your father and mother married? A In Louisiana, the same place.
 Q What place in Louisiana? A Bossier Parish.
 Q You remember the date of their marriage? A No sir.
 Q Were they married by a minister and under a license? A Yes sir.
 Q Have you proof of their marriage? A Not here.

A reasonable time will be allowed you in which to furnish evidence of their marriage.

- Q A Will we have to get the old license?
 Q You can get a certified copy of the license? A Yes sir.
 Q You claim for yourself and these two children do you? A Yes sir.
 Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application to the Choctaw tribal authorities for yourself and children for citizenship in the Choctaw Nation? A No sir.
 Q Have you made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of June 10, 1896? A No sir.
 Q Were you or your children ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Is this the first application you have ever made of any kind to either the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation for yourself and children? A Yes sir.
 Q Do you come before the Commission to be identified yourself and your children as Mississippi Choctaws claiming rights in the lands of the Choctaw Nation Indian Territory under article fourteen of the treaty of 1830? A Yes sir.
 Q You understand that article of that treaty? A I heard you go over it twice I think I understand it.
 Q You think you understand then without my repeating it? A Yes I think I understand it just as well as if you would go over it again.
 Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of this treaty? A No sir I don't know anything about that.
 Q You claim through your mother? A Yes sir.
 Q Her name was Mary A. Spurlin? A Yes Allen before she was married.
 Q Her father's name was what? A Gideon Allen.
 Q How much Choctaw blood did he have if you know? A I don't know.
 Q He claimed through which parent father or mother? A His father William Allen.
 Q You don't know how much Choctaw blood he had? A Three fourths or one-half I don't know which.
 Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830? A I don't know.
 Q Did William Allen live in Mississippi at any time in his life? A Yes sir.
 Q Did Gideon Allen? A I don't know.

- Q When did William Allen live in Mississippi? A I don't know.
 Q You don't know whether he lived there in 1830? A No sir.
 Q When he lived in Mississippi was he the head of a family? A I suppose he was.
 Q You don't know when Gideon Allen died? A Yes I know when he died.
 Q When did he die? A It was about 1887.
 Q Where did he die? A In Louisiana.
 Q How old was he when he died? A I don't know but it was close to seventy.
 Q Then he was born before 1830 if he was seventy years old when he died? A I am not sure about that?
 Q Well he must have been because if he were living now and would be over seventy years old he would have been born before 1830. Now you don't know where he was born? A No sir.
 Q Or When William Allen lived in Mississippi? A No sir.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know.
 Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the New Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
 Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they intended to stay in Mississippi and take land there? A I don't know that.
 Q Did any of your Choctaw ancestors, claim or receive any land in Mississippi or Alabama under article fourteen of the treaty of eighteen hundred and thirty as Choctaw Indians? A I don't know.
 Q Did they claim or receive any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government of the United States required the Indian Agent Colonel Ward who lived in Mississippi in 1830 to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the treaty of 1830 and declared their intention of remaining in Mississippi and taking land there. This Indian Agent failed to do so. His list, known as Ward's register, contains the names of but a very few of the Choctaws who did this. As the result of this neglect on his part against many Choctaw Indians who had land in Mississippi and Alabama on which they had improvements had the land and their improvements taken away from them by the government. This caused a great many complaints on the part of the Indians so that in 1837 Congress appointed a Commission. This Commission went to the State of Mississippi and heard all claimants who claimed rights under article fourteen and lists of successful claimants. In 1842 another Commission was appointed for the same purpose.

- Q Do you know if any of your Choctaw ancestors ~~appeared~~ appeared before either of these Commissions and claimed benefits under article fourteen of the treaty of 1830? A I don't know.
 Q You never heard that they did? A No sir.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and that his land had been taken from him he should be entitled to select land, either in Mississippi, Arkansas, Louisiana or Alabama to be taken from vacant government lands and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Do you know if any of your Choctaw ancestors received any such

4

from the government? A I never heard of it.

Q Have you any documentary evidence that you want to introduce now?
A Yes sir.

The sworn statement of Mary H. Waldrop presented by the applicant, marked exhibit "A" filed and made a part of the record in this case.

Q Give me the names of any of your relatives who have come here and made application for identification as Mississippi Choctaws?
A My brother Joe T. Spurlin and Dixon G.
Q What other relatives have been here? A Isaac B. Allen my cousin.
Q Any others? A Two nephews of mine.
Q What are their names? A John and Albert Waldrop.
Q Do you want their testimony and the records in their cases considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.

A Reasonable time is allowed this applicant in which to file further documentary evidence and other proper evidence if she desires.

Q Do you speak Choctaw? A No sir.
Q Is there anything further that you want to say in support of your claim? A Not that I know of.

The applicant has the appearance and physical characteristics of being descended from white parents, except possibly her eyes and complexion would indicate a strain of Choctaw blood., dark brown eyes, medium dark complexion, hair showing dark brown somewhat gray. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 17, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 30th day of November 1901

W. A. Mitchell Wood

Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3773

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

Mary M. Waldrop,
Now, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3790
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Alsop, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3788
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3765
Isaac B. Allen, et. al.,	M C R 3844
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James F. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3773
Alfred J. Roberson,	M C R 3808
Elizabeth I. McMahan, et. al.,	M C R 3774
John A. Waldrop,	M C R 3847
Achille A. Waldrop,	M C R 3848
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3835
Dixon G. Spurlin,	M C R 3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zera Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth L. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

— JAMES D. WOOD —

Acting Chairman.

Registered.

M.C.R. 3773

Muskogee, Indian Territory, March 24, 1903.

Mary M. Waldrep,

Howe, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

Tamc Birby.

Chairman.

No. 3773

For Identification as a Mississippi Choctaw.

Date OCT 17 1901

Name Mary M. Waldrop.

Age 46 Blood don't know.

Post Office, Howe, Texas.

Father; Alfred J. Spurlin, d

Mother: Mary A. " d

Claims through mother
husband,

Harrison M. Waldrop, (d)
W.

Children:

Alfred J. Waldrop, 16

Mittie L. " 14

Claims for self &
& children -

Stenographer G. Rosemire

RECEIVED
OFFICE OF THE FIDELITY
FILED

JAN 20 1903



ACTING CHIEF

REGISTERED

JAN 15 1903

MUSKOGEE, IND. TER.

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JAN 15 1903
MUSKOGEE, IND. TER.

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QW

489

Mary M. Waldrop

Home
Tenn.

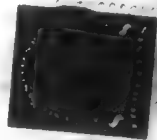
Department of the Interior.

Commission to the Five Civilised Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Choctaw MCR 3774

Elizabeth I. Mc Mahan

See MCR 3772

MCR 3774

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 17, 1901.

#3774.

In the matter of the application of Elizabeth I. McMahon, for the identification of herself and her seven minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Elizabeth I. McMahon, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Elizabeth I. McMahon.
Q How do you spell that last name? A M-c-M-a-h-a-n .
Q What is your age? A Forty-two.
Q What is your Post Office address? A Howe, Texas.
Q How long have you lived at Howe? A Well, I have lived around about there seventeen years.
Q Where were you born? A Louisiana.
Q Where in Louisiana? A Near Redland.
Q Near where? A Redland.
Q How long did you live in Louisiana? A Seventeen years.
Q Where did you go from Louisiana? A Arkansas.
Q How long did you live in Arkansas? A Eight years.
Q Where in Arkansas? A Miller County.
Q Then you went where? A Come to Grayson County, Texas.
Q Have you lived there since? A Well, we went West and lived five years during the time.
Q Where did you live West? A Wilbarger County.
Q Where? A Wilbarger County.
Q State of Texas? A Yes sir.
Q And how long have you lived in Howe? A Well, I have lived there five years since we come back from the West.
Q What is your father's name? A Alfred J. Spurlin.
Q Is he living? A No sir.
Q What is your mother's name? A Mary A. Spurlin.

(2).

- Q Is she living? A No sir.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A Through her or my grandparents.
- Q Well, how much do you claim? A About a fourth, I think.
- Q How much? A About a fourth, isn't it.
- Q You think about a fourth? A Yes sir, I think my great-grandfather was about a fourth.
- Q Yes, but if they were a fourth you would be less than a fourth?
- A Well, yes, my great-grandfather was half.
- Q What was his name? A William Allen.
- Q Your great-grandfather? A Yes sir.
- Q You think he was a half, do you? A That's the best of my knowledge.
- Q Now if he was a half, how much do you think you would be? A About a sixteenth.
- Q You claim one-sixteenth? A Yes sir, to the best of my knowledge I do.
- Q You are not sure though, are you? A No sir.
- Q You claim through your mother, Mary A. Spurlin----what was her maiden name? A Mary A. Allen.
- Q And her father's name was what? A Gideon Allen.
- Q Mary W. Waldrop is your sister? A Yes sir.
- Q She has just appeared on this date, October 17, has she not, for identification as a Mississippi Choctaw? A Yes sir.
- Q And also Eliza Holloway? A Yes sir.
- Q What relation is she to you? A She's a cousin.
- Q They both claim through the same ancestor, William Allen? A Yes sir.
- Q Can you give the names of any others of your kin folks who appeared here for identification as Mississippi Choctaws? A Well, I. B. Allen, Isaac B. Allen, Joe T. Spurlin, Dixon G. Spurlin.
- Q And any other? A My two sons, John A. Waldrop and Elbert A. Waldrop.
- Q That's all? A Yes sir, that's all that I remember. I have got more.
- Q Do you want to have the records in their cases examined when yours is taken up for consideration, that you may get the benefit of what they have testified to? A Yes sir.
- Q When and where were your father and mother married? A In Louisiana, near Redland.
- Q What date, do you know? A No sir, I don't know.
- Q Have you proof of their marriage that you want to present? A No sir, I haven't got it here. I could get it after I get home from the old records.
- Q A reasonable time will be allowed you in which to present proof of their marriage. Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities of the United States Authorities in the Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A G. P. McMahan.
- Q What's that? A G. P. McMahan.
- Q Is he a white man? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q Now if you will give me the names of your children commencing with the eldest? A Well, Alfred Franklin is the oldest.
- Q McMahan? A He sir, Waldrop. Been married twice.
- Q W-a-l-d-r-o-p? A Yes sir.

(3).

- Q How old is he? A He's nineteen.
Q The next? A Zoma----Zoma I.
Q Waldrop? A Yes sir.
Q Zoma I.----how old? A She's seventeen.
Q Next? A Gideon, Gideon G.----no Gideon V. is his initial.
Q Waldrop? A Waldrop, yes sir----he's fifteen.
Q Is that all the Waldrops? A No sir, Maudie Lee, Maudie I.
Q How old is she? A Well, she's ten.
Q Who then? A Bertha M.
Q Waldrop? A Yes sir.
Q Bertha M.? A Yes sir, May, she's eight. Frankie P.
Q Girl? A Yes sir.
Q F-r-a-n-k-i-e ? A Yes sir.
Q Is that a Waldrop? A Yes sir, she's five. Now comes in the McMahan baby.
Q The father of these is? A F. P. Waldrop.
Q What's his name? A F. P. Waldrop.
Q F. P. Waldrop? A Yes sir.
Q He's dead? A Yes sir.
Q What was he, a white man or an Indian? A White man.
Q Now the other child? A It's nine months old. Well, you want its name first. Jessie Jewell is its name----Jessie Jewell.
Q Jessie what? A Jewell----Jessie Jewell.
Q Jessie J.? A Jessie J., yes sir.
Q McMahan? A Yes sir.
Q Nine months? A Yes sir.
Q F. P. Waldrop was the father of the first----how many children? Six children? A Six, yes sir.
Q When and where were you married to him? A In Louisiana, near Redland.
Q Do you remember the date? A Yes sir, the first day of December in '75.
Q By a minister under a license? A Yes sir.
Q When and where were you married to Jessie J. McMahan? A G. P.
Q I mean to G. P. McMahan? A Why near Howe----Howe is our post office.
Q Howe, in Texas, what date? A Twenty-eighth of February, 1900.
Q By a minister under a license? A Yes sir.
Q Is he the father of Jessie J.? A Yes sir.
Q Is this Jessie J. a girl? A Yes sir.
Q Is your name or the name of your children on any of the Tribal Rolls of the Choctaw Nation Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation, for yourself or your children to the Choctaw Tribal Authorities? A No sir.
Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896----that is five years ago? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Is this the first application of any kind that you have ever made to any authority whatever for citizenship in the Choctaw Nation for yourself and children? A Yes sir.
Q Do you now come before the Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws, claiming under article fourteen of the treaty of

(4).

1830? A Yes sir.

- Q Do you understand that article of that treaty? A Well, I don't know that I do exactly. I think I do to some extent.
- Q Do you want to have it explained to you further? A Well yes, if you think it would be best.
- Q The treaty of 1830 was made between the Choctaw Indians who lived in Mississippi at that time---part in Mississippi and part in Alabama---and the United States Government. The object of the treaty was to effect the removal of all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation west of the Mississippi River in the Indian Territory? A Yes sir.
- Q Before the treaty was signed it became known that a great many Choctaw Indians wouldn't go to the Indian Territory under any circumstances, and in order to protect their interests article fourteen was put into the treaty. Now article fourteen reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A Yes sir, I think I do.
- Q As you understand it, and as it has been read and explained to you do you know whether any of your Choctaw ancestors complied with any of its provisions? A No sir, I don't.
- Q Or attempted to comply with them? A No sir.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830? A Well, I don't know.
- Q You claim through your mother? A Yes sir.
- Q Mary A. Spurlin? A Yes sir.
- Q Her name was Mary A.? A Allen.
- Q You don't know the quantity of her Choctaw blood? A I guess she was about one-eighth---yes she was about an eighth.
- Q Do you know positively? A No sir, I couldn't be positive about it, but it's the best of my knowledge.
- Q Her father's name was what? A Gid Allen.
- Q Was he a Choctaw Indian? A He was part---he wasn't full blood.
- Q And his father's name was what? A William Alleb.
- Q And he was part Choctaw Indian? A Yes sir.

(5).

- Q Now did William Allen live in Mississippi? A Yes sir.
- Q Do you know when he lived there? A No sir, I don't know when.
- Q Was he born there? A I couldn't tell you.
- Q Can you tell where he died? A No sir.
- Q Or when? A I think he died in Georgia----I don't know.
- Q Was he a recognized member of the Choctaw Tribe of Indians in Mississippi----do you know? A No, I don't know that either. I think he was though.
- Q You don't know do you? A No sir, I don't know for sure.
- Q Did he ever have an Indian name----do you know. No, sir, I don't know anything about it.
- Q Did he speak the Choctaw language? A No sir, I don't know that he did.
- Q Or did Gideon Allen? A No sir.
- Q Were any of your Choctaw ancestors, either William Allen or Gideon Allen or any others, residents of Mississippi in 1830 and heads of families there at that time? A Well, I don't know.
- Q You don't know? A No sir, I don't.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Well, I don't know that either.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory, between 1833 and 1838? A Not that I know of they didn't.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States, under article fourteen of the treaty of 1830? A No sir, not that I know anything about.
- Q You never heard they received any land there in Mississippi from the Government? A No sir.
- Q Did any of your Choctaw ancestors claim any benefits or receive any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q Did any of your Choctaw Ancestors go before the Commission of 1837 or the Commission of 1842 and claim benefits under article fourteen of the treaty of Dancing Rabbit Creek. A No sir, I don't know that they ever have. If they have I don't know anything about it.
- Q These Commissioners were appointed by Act of Congress in the year 1837 and the year 1842 respectively, for the purpose of hearing all Choctaw claimants who claimed benefits under article fourteen of the treaty of 1830, and who also claimed that they had been before the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and told him they wanted to stay in Mississippi and take land there. Ward's register did not disclose their names and so it did not appear from the records that they ever had been before him within six months after the ratification of the treaty of 1830. They therefore were not entitled to keep land in Mississippi, and some of them had had their land taken from them for that reason. That their claims might be heard these Commissions of 1837 and 1842 were appointed by Congress. You don't know whether any of your people appeared before them? A No sir, I don't.
- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty

(6).

Dancing Rabbit Creek, but that his land had been taken from him by the Government, that he should be entitled to select land in either Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that certificates or scrip should be issued to him to that effect. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A No sir, not that I know anything of.

Q You have this document have you that you want to introduce? A Yes sir.

The affidavit of Elisabeth I. McNahan, present by applicant received, filed, marked exhibit "A", and made a part of the record in this case.

Q Have you any other papers you want to present? A No sir.

Reasonable time is allowed this applicant in which to file other documentary evidence or other proper evidence in support of her application and the application she makes for these children.

Q Do you understand or speak the Choctaw language? A No sir.

Q Is there anything further you want to say in regard to your claim that you can think of? A No sir, I don't think there is.

This applicant has the appearance and physical characteristics of being descended from white parentage, except medium dark complexion, dark eyes, black hair. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 17, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of November, 1901.

Clara M. [Signature]
Notary Public.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.F. 3774

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

Elizabeth I. McMahon,

Howe, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3765
Isaac B. Allen, et. al.,	M C R 3641
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3773
Alfred J. Roberson,	M C R 3808
Elizabeth I. McMahon, et. al.,	M C R 3774
John A. Waldrop,	M C R 3647
Achilles A. Waldrop,	M C R 3648
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3645
Dixon G. Spurlin,	M C R 3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

John Dixey

Acting Chairman.

Registered.

M.C.R. 3774

COPY.

Wankago, Indian Territory, March 24, 1903.

Elizabeth I. McFahan,
Now, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Elisa Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED).

James L. ...
Chairman.

No. 3774

For Identification as a Mississippi Choctaw.

Date Oct 17 1901

Name Elizabeth I. Mc Mahan

Age 42 - Blood about $\frac{1}{16}$ (?)

Post Office, Howe, Texas,

Father: Alfred J. Spurlin, d.

Mother: Mary A. " d.

Claims through mother
Husband, G. P. Mc Mahan W.

No claim for husband

Children:

Alfred T. ~~Mc~~ Waldrop, 19

Loma I. " 17

Gideon W. " 15

Maudie L. " 10

Bertha M. " 8

Frankie P. (que), " 5

Father of above was F. P. Waldrop.

(d) white

Jessie J. Mc Mahan, 9m.

Claim for myself & children

Stenographer Neal Belford

Choctaw MCR 3775

Emmet Holloway

MCR 3775

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 17, 1901.

#3775.

In the matter of the application of Emmet Holloway
for the identification of himself and his three minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

Emmet Holloway, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Emmet Holloway.
Q E-m-m-e-t? A Yes sir.
Q One 't'? A Yes sir.
Q Holloway? A Yes sir.
Q What is your age? A Thirty years.
Q What is your Post Office address? A Howe.
Q What? A Howe, Grayson County.
Q Howe, Texas? A Yes sir, Howe Texas.
Q How long have you lived there. A All my life---was borned over
there.
Q What is your father's name? A J. M. Holloway.
Q What is your mother's name? A Why, Eliza Holloway. You taken
her awhile ago. She may have two names. Eliza Holloway is her
name.
Q Took her application? A Yes sir.
Q Eliza Holloway? A Yes sir.
Q Is your father living? A Yes sir.
Q And your mother has appeared here to-day, has she, October 17th?
A Yes sir, she was the first one.
Q You claim through your mother, do you? A Yes sir.
Q How much Choctaw blood do you claim through your mother? A Why,
I really don't know for sure. About a thirty-second, I suppose.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians, by either the Choctaw

(2).

- Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
- Q When and where were your father and mother married? A I don't know for sure.
- Q Have you their marriage license and certificate, or can you get proof of their marriage? A Of theirs?
- Q Yes? A I suppose I could.
- Q You haven't it with you? A No. I have got my own. I haven't got theirs.
- Q Reasonable time will be allowed you in which to prove the marriage of your father and mother. A Yes sir.
- Q How old is your mother? A Fifty.
- Q Fifty years old? A Yes sir.
- Q Where was she born? A Louisiana, I believe.
- Q What place in Louisiana----do you know? A Bossier Parish.
- Q She claims her Choctaw blood through which parent----father or mother? A Her mother.
- Q Through her mother----what was her mother's name? A Martin. Her maiden name was Allen.
- Q How? A She was a Martin, but her maiden name was Allen.
- Q Yes, but what was her given name? A Mary.
- Q Mary Martin, whose maiden name was Mary Martin----is that right? A Yes sir.
- Q And through which parent did she claim her Choctaw blood----her father or mother? A Why, it was her father.
- Q What was his name----it was Allen was it? A Yes sir, it was Allen.
- Q Do you remember the given name? A No sir.
- Q Do you know whether he claimed through his father or mother? A Why, his father.
- Q Allen----what was his given name? A William Allen.
- Q How much Choctaw blood did William Allen have----do you know? A No sir.
- Q Was he a Choctaw Indian----full blood, a half or three quarters or how much? A About three quarters.
- Q Do you know sure? A No sir, I don't know for sure.
- Q Just guessing at it----you must guess at it then, don't you? A I don't really know just for sure.
- Q Did he speak the Choctaw language? A Not that I know of.
- Q Did he have an Indian name? A Not that I know of.
- Q Did he ever live in Mississippi? A I suppose he did but I can't say you know.
- Q You can't say? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Julia.
- Q Is she a white woman or Indian? A Yes sir, white woman.
- Q Do you claim for her? A No sir.
- Q Have you children that you wish to make application for? A Yes sir, have three.
- Q What is the name of the oldest child? A Floyd Elmer.
- Q Floyd? A Yes sir, Floyd E.
- Q Floyd E. Holloway? A Yes sir.
- Q How old is Floyd? A Five.
- Q Boy? A Yes sir.
- Q The next? A Ray Edward.
- Q Ray Edward? A Yes sir.
- Q Boy? A Yes sir.
- Q How old is he? A Two years.
- Q Next? A Newton.

(3).

- Q N-e-w-? A Yes sir.
- Q Newton----how old? A Ten months.
- Q You claim for yourself and children do you? A Yes sir.
- Q Is Julia the mother of these children? A Yes sir.
- Q Are you the father? A Yes sir.
- Q Was she ever married before she married you? A No sir.
- Q Were you ever married before you married her? A No sir.
- Q These children living with you at your home? A Yes sir.
- Q When and where were you married to your wife, Julia? A Why, Grayson County, '92.
- Q What day of the month? A Fourth of August.
- Q By a minister? A Yes sir.
- Q Have you your marriage license and certificate? A Yes sir, I have got them now, if you want to see them.
- Q You want to introduce them here as evidence do you? A Yes sir.
- Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for yourself or your children for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application to the Dawes Commission for citizenship in the Choctaw Nation for yourself or your oldest child, Floyd E. Holloway, under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you ever made for yourself or them for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Well, I understand it about as well as I could, I reckon. Heard you go over it several times but of course I couldn't explain it? A
- Q You heard it read and explained several times, did you? A Yes sir.
- Q Do you waive any further reading or explanation? Do you think you understand it sufficiently now? A Yes sir.
- Q Do you know, after having had it read and explained several times so that you understand it, do you know whether any of your Choctaw ancestors ever complied with any of its provisions? A No sir.
- Q Now what proof have you that your ancestor, William Allen, through whom you claim your right to be identified to-day lived in Mississippi? What proof have you, if any? A Well, it's just been taught that they come from there.
- Q Has that been a matter of general reputation and tradition in the family? A Yes sir.
- Q Did you ever hear your father and mother say so? A I have heard them speak of them back there.
- Q Living in Mississippi? A Yes sir.
- Q Do you know if William Allen lived in Mississippi in 1830? A No sir, I do not.
- Q Was the head of a family in Mississippi when he lived there? A No sir.
- Q Don't know whether he was the head of a family there in 1830? A No sir.

(4).

- Q Do you know where he lived or died? A No sir, I do not.
- Q Do you know where his son lived or died? A No sir.
- Q What was your mother's mother's name? A Allen.
- Q Mary? A Yes sir.
- Q You remember it as Mary F. Allen? A Yes sir.
- Q Do you know where she lived or died? A Why, she's dead.
- Q I know she's dead---where did she die? A Grayson County.
- Q Do you know where she was born? A No sir, I do n't.
- Q Did she ever live in Mississippi to your knowledge? A No sir.
- Q Did any of your Choctaw ancestors ever own any improvement on land in Mississippi or Alabama in 1830 or any time before that? A Not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of them ever receive any land under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them receive any land or any benefits of any kind under any other article of the treaty of 1830 than article fourteen or under the suppliment of that treaty? A No sir, I don't know.
- Q According to the provisions of article fourteen of the treaty of 1830, the United States Indian Agent, Colonel Ward, was required to make a list of all Choctaw Indians who came before him with in six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there. The records in the possession of the Government shew that he made a very small list. His list is known as Ward's register and contains the names of very few Indians who did make the declarations before him within six months as required by article fourteen of the treaty. Now on account of his neglect to properly record the names of claimants who came before him a great many Indians who had land in Mississippi had their land taken from them and it was sold by the Government at its public land sales. This caused a great many complaints on the part of the Indians so that in 1837 Congress appointed a Commission. This Commission was appointed by Congress for the purpose of going to Mississippi and taking testimony of all claimants who came before it and claimed rights under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for a similar purpose, and this Commission also went to Mississippi and heard claimants under article fourteen. Do you know if any of your Choctaw ancestors appeared either before the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty? A No sir, I do not.
- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, if his land had been previously taken from him, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate called scrip should be given to him to that effect. Do you know if any of your ancestors received any such scrip from the Government? A No sir, I do not.
- Q Have you any documentary evidence that you want to present? A Yes sir.

(8).

Application of Emmet Holloway presented by him, received, filed, marked Exhibit "A", and made a part of the records in this case.

- Q Any other evidence? A No sir.
Q Marriage license? A I have that. Do you want to see that?
Q Yes, do you want to file it? A Now.
Q Do you want to put in here as part of your case? A Well, if its necessary.
Q Is this the original or is this a copy? A It's just a copy.

Copy of the marriage certificate between Emmet Halliway and Miss J. S. Scarborough presented by applicant received filed marked exhibit "B", and made a part of the record in this case.

- Q Is that the same name as Emmet Holloway? A Yes sir.
Q That's your name, but mis-spelled? A Yes, wrote it wrong the other day.
Q And Miss J. S. Scarborough, that's your present wife Julia? A Yes sir.
Q Miss J. S. Scarborough is your wife, Julia Holloway? A Yes sir.
Q Have you any other proof that you want to present now? A No sir.

Reasonable time will be allowed this applicant in which to present further testimony or evidence if he desires to do so in support of his claim. Also to prove the marriage of his father and mother.

- Q Do you speak the Choctaw language or understand it? A No sir.
Q Is there anything further you would like to say now in support of your claim? A No sir.
Q Do you know Isaac B. Allen? A Yes sir.
Q What kin is he to you? A Uncle.
Q Do you know Joe T. Spurlin? A Yes sir.
Q Dixon G. Spurlin? A Yes sir.
Q What relation are they to you? A Cousins.
Q John A. Waldrop? A Cousin.
Q Elbert A. Waldrop? A He's the same---cousin.
Q Eliza Holloway? A Why, that's my mother.
Q Mary N. Waldrop any relation to you? A Now is it.
Q Mary N. Waldrop? A Why, that's my cousin.
Q Elizabeth I. McManis? A That's a cousin.
Q These people have all been before the Commission and made application for identification as Mississippi Choctaws, all claiming

(6).

through William Allen as a common ancestor. Do you want to have their testimony and the records in their cases considered in connection with yours? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parents. Blue eyes, medium dark complexion, light brown moustache, medium light brown hair. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on October 17, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 19th day of November, 1901.

Clara Mitchell Wood
Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3775

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

Emmet Holloway,

Howe, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3765
Isaac B. Allen, et. al.,	M C R 3644
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3773
Alfred J. Roberson,	M C R 3806
Elizabeth I. McMahan, et. al.,	M C R 3774
John A. Waldrop,	M C R 3647
Achilles A. Waldrop,	M C R 3648
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3645
Dixon G. Spurlin,	M C R 3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ila Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 5778

COPY:

Muskogee, Indian Territory, March 24, 1903.

Eliza Holloway,

Home, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

Tame Dixie

Chairman.

No. 3775

For Identification as a Mississippi Choctaw.

Date OCT 17 1901

Name Emmet Holloway

Age 30

Blood don't know.

Post Office, Howe, Texas,

Father: J. M. Holloway, 1

Mother: Eliza Holloway, 1

Claims through mother.
wife.

Julia — W.
No claim for wife.

Children:

Hoyd E. Holloway, 5

Ray E. " 2

~~Ben~~ NEWTON, 10 m.

Claims for self &
Children —

Stenographer Hal Bedford

Choctaw MCR 3776

Mary E. McCurdy

See MCR 3772

MCR 3776

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 17, 1901.

#3776.

In the matter of the application of Mary E. McCurdy
for the identification of herself and her three minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

Mary E. McCurdy, being first duly sworn, upon her
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary E. McCurdy, M-e-C-c-u-r-d-y.
Q What is your age? A Twenty-eight years old.
Q What is your post office address? A Leonard.
Q What? A Leonard, Pannin County, Texas.
Q L-e-o-n-a-r-d? A Yes sir.
Q How long have you lived at Leonard? A Off and on for nine years.
Q Lived there most of the time for nine years? A Yes sir, made
that our home most all the time.
Q Where were you born? A Grayson County,
Texas? A Yes sir.
Q Did you ever live in any other state than Texas? A No sir.
Q Always lived in Texas? A Yes sir.
Q What is your father's name? A J. E. Holloway.
Q What's that? A J. E. Holloway.
Q Is he living? A Yes sir.
Q Mother living? A Yes sir.
Q What is her name? A Eliza Holloway.
Q Eliza? A Yes sir.
Q She came before the Commission to-day, did she not, to make ap-
plication? A Yes sir.
Q You claim your Choctaw blood through your mother, then? A Yes
sir.
Q How much Choctaw blood do you claim? A Why, I don't know.
Q Has your mother ever been recognized in any way, or enrolled as a

(2).

- member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q When and where were your father and mother married? A Lamar County.
- Q Lamar-----in what state? A Texas.
- Q When, do you know? A No sir, I don't.
- Q You haven't proof of their marriage with you? A No sir, I haven't.
- Q A reasonable time will be allowed you in which to file proof. You can get a certified copy of the records or the certificate, or a certified copy of whatever she files in her case, if you like? A Yes sir.
- Q Where was your mother born? A I don't know for certain. I suppose she was born in Louisiana.
- Q Do you know where in that state? A Bossier Parish.
- Q When? A I don't know.
- Q When did she remove from that state to Texas? A I can't tell you.
- Q Don't know when? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Albery Wiley McGurdy.
- Q Albery McGurdy? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q How many children do you want to make application for? A Three.
- Q What is the name of the oldest? A Clarence McGurdy.
- Q How old is Clarence? A Six years old.
- Q What is the name of the next? A Callie May McGurdy.
- Q What's that? A Callie.
- Q Callie----girl? A Yes sir.
- Q C-a-l-l-i-e, what is that middle name? A May.
- Q How old is she? A Four.
- Q The next? A David Marshall.
- Q How old? A Nine months.
- Q Nine months? A Yes sir.
- Q Is that all? A Yes sir.
- Q Is Albert McGurdy the father of these children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q Was your husband ever married previous to his marriage with you? A No sir.
- Q Were you previously married before you married him? A No sir.
- Q You claim for yourself and these children do you? A Yes sir.
- Q When and where were you married to your husband? A In Grayson County, Texas, near Luella, in 1891.
- Q What day of the month? A Eleventh day of April 1.
- Q By a minister? A Yes sir.
- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for yourself or them for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you or your children ever admitted to citizenship in the Choctaw Nation, by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made for yourself

(3).

- or children of any description for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that treaty---that article? A Yes sir, I think I do.
- Q You have heard it about how many times? A Twice I believe.
- Q You have heard it explained and read twice? A Yes sir.
- Q To-day? A Yes sir.
- Q You think you understand it without a further reading or explanation? A Yes sir, I think so.
- Q You waive it then, do you---waive any further reading and explanation? A Yes sir.
- Q Now as you have heard it read and explained and as you understand it, do you know if any of your Choctaw ancestors complied or attempted to comply with any of its provisions? A No sir.
- Q You don't know about that? A No sir.
- Q You claim through which parent, father or mother? A Mother.
- Q Her maiden name was what? A Eliza Martin.
- Q She made application to-day, did she? A Yes sir.
- Q She claims her Choctaw blood through which parent---father or mother? A Her mother.
- Q What was her mother's name? A Mary Martin.
- Q And her maiden name was what? A Allen.
- Q Now how much Choctaw blood did she have---if you know? A I don't know.
- Q She claimed through which parent---father or mother? A Claimed through her father.
- Q His name was what? A Green Allen.
- Q How much Choctaw blood did he have? A I don't know that.
- Q Who did he claim through---which parent? A Claimed through his father.
- Q William Allen? A William Allen.
- Q You don't know how much he had? A No sir.
- Q Did he speak the Choctaw language? A Don't know.
- Q Did he have a Choctaw Indian name? A I don't know.
- Q Did his son, Green Allen have? A I don't know.
- Q Now do you know positively whether William Allen or his son Green Allen, or Green Allen's daughter, Mary Allen, ever lived in Mississippi or Alabama? A No, sir, I don't know. I have heard the connections and my people say that William Allen lived there but I don't know.
- Q You have heard the people of the family say that William Allen used to live there? A Yes sir.
- Q Did you ever hear them say when he lived there? A No sir.
- Q Do you know whether he ever lived there in 1830? A No sir.
- Q You don't know whether he was the head of a family there in Mississippi? A I believe he was.
- Q But you don't know? A No sir.
- Q And you don't know whether he was the head of a family there in 1830? A No sir, I don't know for certain.
- Q Did any of your Choctaw ancestors own any improvement on land in Mississippi in 1830, or in Alabama? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek tell the United

(4).

States Indian Agent, Colonel Ward that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama from the Government under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your Choctaw ancestors ever claim any benefits or receive any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

Q In accordance with the provisions of Article fourteen of the treaty of 1830, the United States Government required the Indian Agent who lived in Mississippi at that time to make a list of the names of all Choctaw Indians who appeared before him within six months after the ratification of the treaty of Dancing Rabbit Creek and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States. This United States Indian Agent whose name was Colonel Ward, was very neglectful of his duty and failed to record on his list known as Ward's Register the names of the greater portion of Choctaw Indians who appeared before him within the time limited in article fourteen of the treaty of 1830. As a result of this failure on his part to so record the names of applicants who appeared before him, a great many Choctaw Indians who held land in Mississippi upon which they had improvements had both the land and improvements taken from them by the government and they lost both land and improvements. This caused so many complaints on the part of the Choctaw Indians that in 1837 a Commission was appointed by Act of Congress approved March 3, 1837, which Commission went to the State of Mississippi and heard claimants under article fourteen of that treaty and made a list of the named of the successful claimants. In 1842 another Commission was appointed by Act of Congress approved August 23 of that year, and they went to Mississippi and heard claimants under article fourteen of that treaty. Now did any of your Choctaw ancestors appear before either of these two Commissions, that one of 1837 or the Commission of 1842, and claim benefits under article fourteen? A I don't know sir.

Q Didn't you ever hear that they did, some of them? A No sir, I don't know that I did.

Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw Claimant who had proven his claim before this Commission of 1842, if it also appeared that his land had been taken from him previously, that he should be entitled to select land either in Mississippi Louisiana, Alabama or Arkansas, to be taken from vacant Government land and that a certificate should be given him to that effect. These certificates were called scrip. Did any of your Choctaw ancestors get any such scrip from the Government as Choctaw Indians? A I don't know sir.

Q Have you any documentary evidence that you would like to file? A Yes sir.

Affidavit of applicant, Mary McCurdy, presented, received filed, marked exhibit "A" and made a part of the record in this case.

(5).

- Q Have you any other evidence that you would like to present? A No sir.
- Q Is there anything more you want to say about your claim? A No sir.
- Q Have you had any relatives appear before the Commission to-day or at any other time, for the purpose of being identified as Mississippi Choctaws? A Yes sir.
- Q Eliza Holloway? A Yes sir.
- Q What relation to you? A She's my mother.
- Q Mary W. Waldrop? A Cousin.
- Q Elizabeth McManis? A She's a cousin.
- Q Emmet Holloway? A Brother.
- Q They all appeared to-day did they not, to be identified? A Yes sir.
- Q They claim through a common ancestor with you, William Allen do they not? A Yes sir.
- Q Now previous to this date there appeared before the Commission for identification Isaac B. Allen---what relation to you? A Uncle.
- Q Joe T. Spurlin? A Cousin.
- Q Dixon G. Spurlin? A Cousin.
- Q John A. Waldrop? A Cousin.
- Q Albert A. Waldrop? A Cousin.
- Q They claim through the same common ancestor, do they not? A Yes sir.
- Q Do you want the testimony and records of these relatives to be considered with yours when yours is taken up for consideration that you may get the benefit of what they have sworn to? A Yes sir.
- Q How much Choctaw can you speak? A none at all.

This applicant has the appearance and physical characteristics of being descended from white parentage: blue eyes, and medium light complexion and hair. Does not understand the Choctaw Language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Val Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on October 17, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on the said day of October, 1901.

Subscribed and sworn to before me this 19th day of November, 1901.

Val Belford
Chas. M. [illegible]
Notary Public

COMMISSIONERS.
HENRY L. GRAVER,
TAMM DIXON,
THOMAS B. HENDLER,
C. B. BRIDGEMAN.

ALISON L. STANFORD,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.B. 3776

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Mary E. McCurdy,

Leonard, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Ora Vaughan, et. al.,	M	C	R	3799
Robert Holloway,	M	C	R	3788
Sallie Watta,	M	C	R	3779
Fannet Holloway, et. al.,	M	C	R	3775
Kate O. Watta,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allison, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3766
Isaac B. Allen, et. al.,	M	C	R	3844
Clara P. Duke, et. al.,	M	C	R	3825
John G. Allen, et. al.,	M	C	R	3826
Charlie A. Allen, et. al.,	M	C	R	3824
James F. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3827
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Robertson,	M	C	R	3848
Elizabeth I. McMahon, et. al.,	M	C	R	3771
John A. Waldrop,	M	C	R	3847
Achille A. Waldrop,	M	C	R	3848
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3845
Dixon G. Spurlin,	M	C	R	3846

These applications were made under the provision of the Act of Congress of June 28, 1898. (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ila Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 2776

COPY

Muskogee, Indian Territory, March 24, 1903.

Mary H. McOwry,

Leonard, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Jane Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date

OCT 17 1901

Name Mary E. McCurdy

Age 28

Blood ~~not~~ known

Post Office, Leonard, Texas.

Father: J. M. Holloway, l.

Mother: Eliza " l.

Claims through mother.

Husband

Albrix McCurdy, W.

No claim for husband

Children:

Clarence McCurdy, 6

Callie M. " 4

David M. " 9 m.

Claims for self &
children.

Stenographer

Ed. Bradford

Choctaw MCR 3777 .

Linna B Dodson

See MCR 3772

MCR 3777

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 17, 1901.

#3777.

In the matter of the application of Linna B. Dodson
for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Linna B. Dodson, being first duly sworn, upon her
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Linna B. Dodson.
Q How do you spell it? A L-i-n-n-a B. D-o-d-s-o-n .
Q What is your age? A Nineteen years.
Q What is your post office address? A Sherman Texas. You don't
care for any box or street number.
Q Yes, I will have that? A Well, I will take the box---box 7.
Q How long have you lived in Sherman? A I don't live in Sherman.
Q Or near there? A Well, seventeen years.
Q Where did you live previous to that? A I was born in Miller
County, Arkansas.
Q You were born where? A In Miller County, Arkansas.
Q How long did you live there before you removed from that State?
A Well, about two years. I have been here seventeen and I am
now nineteen years old.
Q What is your father's name? A Harrison M. Waldrop.
Q W-a-l-d-r-o-p ? A Yes sir, the same as the others.
Q He is living, isn't he? A No sir---dead.
Q What is your mother's name? A Mary M. Waldrop.
Q Is she living? A Yes sir.
Q Did she appear to-day for identification? A Yes sir, appeared
to-day.
Q You claim your Choctaw blood through your mother, do you not?
A Yes sir, I do.
Q How much Choctaw blood do you claim? A Well, the others all say
they don't know, and I suppose I don't know positively either, but

(2).

- according to evidence furnished, and with what I have been taught I claim a thirty-second.
- Q This is as you understand it from what you have heard in the family? A Yes sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by either the Choctaw Tribal Authorities, or the United States Authorities in the Indian Territory? A No sir, not that I know of.
- Q Are you married? A Yes sir, I am.
- Q What is your husband's name? A S. H. Dodson.
- Q S. H.? A Yes sir, he always signs the initials so there is no use to give the name.
- Q What is he----a white man or an Indian? A He's a white man.
- Q Do you claim anything for him? A No sir, I do not.
- Q Have you any children? A No sir.
- Q Claim for yourself alone do you? A Myself alone.
- Q What is your father's blood----is he a white man.? A Yes sir, he was a white man.
- Q All the Indian blood you have you claim through your mother? A Through my mother.
- Q When and where were your father and mother married? A In Louisiana, in Bossier Parish, near Redland.
- Q And do you remember the date? A In '71, November second.
- Q By a minister? A Yes sir, by a minister.
- Q You haven't the proof of their marriage with you have you? A No sir, but I can obtain it if necessary.
- Q You will have reasonable time to do so. You claim through your mother. She claims through which parent, father or mother? A Her mother, Mary A. Allen.
- Q Mary A. Allen is the maiden name? A Yes sir.
- Q What was her husband's name? A Alfred J. Spurlin.
- Q Now her mother claimed through which parent, father or mother? A Through her mother---no, through her father.
- Q What was his name? A Gideon Allen.
- Q And he was the son of whom? A William Allen.
- Q Is he the ancestor through whom you are making this claim? A Yes sir he is.
- Q Now how much Choctaw blood do you consider he had? A I consider him a half.
- Q Your mother is how old? A Forty-six years old.
- Q Where was she born? A In Bossier Parish, Louisiana, near Redland.
- Q And from that she removed where? A To Arkansas.
- Q And stayed there how long? A I don't believe I can give that though it's on her paper.
- Q Your best information? A Well, I am under the impression it was eight years.
- Q Then she went from Arkansas where? A To Grayson County, Texas.
- Q And has she lived there since? A Yes sir.
- Q Now where was Mary Allen born? A I can't give that.
- Q Nor where she died? A She died in Bossier Parish, Louisiana, near Redland.
- Q Which ancestor of yours as you have given them lived in Mississippi? A William Allen, according to evidence.
- Q Did his son live there, Green Allen? A Well, I can't say about that.
- Q You claim through Green, I believe? A No Gideon.
- Q Did he live there? A I can't say positively about either, though I am under the impression he did from his age, death, and so on, age at his death.

(3).

- Q What do you know about his age that makes you think he lived in Mississippi? A Well, I believe they claim he was sixty or seventy years old when he died.
- Q And he died when? A Well, I don't remember the date, but its---.
- Q Over ten years ago? A Oh yes! considerably over ten years ago.
- Q And from that time back to 1830---he was born before that. If he were seventy years now it would make him born in 1830. A Yes.
- Q And you say he's been dead several years, so he was born sometime previous to 1830? A Yes sir.
- Q But you don't know whether he was born in Mississippi? A No sir I never heard them say that.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir, not that I am aware of.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A I never did.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir, I never have.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the United States Court in Indian Territory, or the Dawes Commission? A No sir.
- Q Did you ever make application before this time for citizenship in the Choctaw Nation to either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir, I do.
- Q Do you understand article fourteen of the treaty of 1830? A No, not fully, I don't.
- Q You want it explained further do you? A Well I don't think its necessary. I couldn't repeat it though I have heard it read and explained several times and listened at it here to-day until I think I understand it.
- Q You think you understand it? A Yes sir.
- Q You have been sitting here for six or seven, and you think you understand it? A Yes sir.
- Q You waive the explanation now do you? A I do.
- Q Well, as you have heard it read and explained and as you understand it, do you know whether any of your Choctaw ancestors complied with any of its provisions? A No sir. I do not know.
- Q You don't know whether William Allen did? A No sir.
- Q Or his son Gideon? A No sir.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the old Choctaw Tribe of Indians in Mississippi or Alabama in 1830? A I do not.
- Q Did any of your Mississippi Choctaw ancestors ever own any improvements on land in Mississippi or Alabama? A I do not know.
- Q Did any of them within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know that.
- Q Did any of your Mississippi Choctaw ancestors ever receive any land or claim any under article fourteen of that treaty of 1830? A I don't know. That I can't answer.
- Q Did they claim any land or receive any benefits under any other article of that treaty than article fourteen or under the suppliance of that treaty? A I don't know that. There is one question you haven't asked me, though I don't know whether it's necessary or not. My husband has been married before we were married.

(4).

- Q Well I will ask you that now. Your husband has been married previous to his marriage with you? A Yes sir, he has.
- Q Did he marry a white woman or an Indian? A She claimed Indian blood but never made any application.
- Q She died when? A I can't give the date. Though it's four or five years ago.
- Q But you were previously never married? A No sir.
- Q In accordance with the provisions of Article fourteen of the treaty of 1830, the United States Indian Agent in Mississippi was instructed by the Government to make a list of the names of all Choctaw Indians who claimed benefits before the Indian Agent within six months from the ratification of the treaty of 1830, and who stated that they intended to live in Mississippi and take land there. This Indian Agent made a list of names which he recorded called Ward's Register, but it contains the names of only a small fractional part of all the applicants, the total number who actually came before him within six months from the ratification of the treaty and claimed benefits under article fourteen. This neglect on his part caused a great many Choctaw Indians who were occupying land in Mississippi and Alabama to lose the land and the improvements upon that land as both were taken and sold by the Government. This caused a great deal of distress among the Indians and a great many complaints, and as a result of the complaints made Congress in 1837, by an Act approved March 3, of that year, appointed a Commission. That Commission went to the State of Mississippi and heard claimants under article fourteen of that treaty, and made a list of the names of all successful claimants. Another Commission was appointed by Act of Congress in 1842 for a similar purpose and they made a list of the names of successful claimants who appeared before them. Did any of your ancestors, William Allen or Gideon Allen, or any of your Choctaw ancestors appear before either of those Commissions and claim benefits under article fourteen of that treaty? A Not that that I know of.
- Q The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate, or as they called it, scrip, should be issued to him to that effect. Did any of your Choctaw ancestors receive any such scrip from the Government? A Not that I have any knowledge of.
- Q Have you any documentary evidence that you want to present? A I have this at present.

Application of Linna B. Dodson presented by her, received filed, marked exhibit "A" and made a part of the record in this case.

- Q In your application your name is L. B. Dodson. What is that "B" for? A Blanch. In my marriage license my name is Blanch. That is what I am called at home

(5).

- Q And in your marriage license your name is what? A Blanch----
Blanch Dedson.
Q It is the same person? A Yes sir. Blanch is the name I use,
though the other comes first and it is put in there that way.

Reasonable time will be allowed this applicant in which to
present other proper evidence in support of her application. Also
proof of the marriage of her father and mother.

- Q You don't speak Choctaw do you? A No sir.
Q Or understand it? A No sir, I do not.
Q Is there anything more you want to say in support of your claim?
A There is one question I want to ask if it's all right. Is it
necessary for me to produce evidence of my marriage, our marriage
license, or have them re-copied.
Q No.

This applicant has the appearance and physical character-
istics of being descended from white parentage probably mixed
with a strain of Choctaw blood. Black eyes, dark complexion,
black hair. She does not understand the Choctaw language and
has no knowledge of a compliance on the part of her ancestors
with any of the provisions of the fourteenth article of the treaty
of 1830.

Hal Belford, being first duly sworn, upon his oath states
that as stenographer to the Commission to the Five Civilized
Tribes he reported in full all the proceedings in the above en-
titled cause on October 17, 1901, and that the above and foregoing
is a full, true and correct transcript of his stenographic notes
said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 19th day of November, 1901.

Charles Mitchell
Notary Public.

Muskogee, Indian Territory, January 21, 1902.

M. H. Dodson,
Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of papers for filing with certain applications for identification as Mississippi Choctaws as follows:

Certified copy of marriage license and certificate of H. M. Waldrop and M. M. Spurlin, offered in support of the application of Emma B. Dodson for identification as a Mississippi Choctaw, M.C. 3777.

Certified copies of marriage licenses and certificates of A. J. Spurlin and Mary Allen, and H. M. Waldrop and M. M. Spurlin, offered in support of the application for identification as Mississippi Choctaws of Mary M. Waldrop, et al. M.C. 3778.

The same have been filed with the records in the above named cases and will receive consideration in the determination of the claims of the applicants to identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

COMMISSIONERS.

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALTON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3777

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CUT

Muskogee, Indian Territory, December 6, 1902.

Linna B. Dodson,
P.O. Box 7

Sherman, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3790
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3765
Isaac B. Allen, et. al.,	M C R 3841
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3773
Alfred J. Roberson,	M C R 3848
Elizabeth I. McMahan, et. al.,	M C R 3771
John A. Waldrop,	M C R 3847
Achille A. Waldrop,	M C R 3848
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3845
Dixon G. Spurlin,	M C R 3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Coughney, Lucy Coughney, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Lena B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth L. McMahan, Alfred Franklin Waldrop, Zoma L. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Acting Chairman.

Registered.

COMMISSIONERS:
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3777

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 24, 1903.

Linna B. Dodson,
P.O. Box 7,
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,



Chairman.

No. 377

For Identification as a Mississippi Choctaw.

Date OCT 17 1901

Name Lina B. Hodson,

Age 19 Blood - 1/32

Post Office, Sherman, Texas

Father: Harrison M. W. Hodson, d. ^{P.O. Box 7}

Mother: Mary M. " l.

Claims through mother -
Husband J. H. Hodson, W.
No claim for husband.

~~XXXXX~~

Claims for self alone

Stenographer Noel Bedford

3777

RECEIVED

MAR 26 1903
S. H. A.



THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 2 1903

CHURMAN.

3777

RECEIVED

MAR 26

1915



MISSION T. THE CIVILIZED IN
FILED

MAY 2 1903

CHAMBERLAIN

W.O.B.

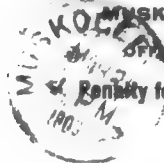
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



MAR 27 1907

Unclaimed.

Linna B. Dodson,

~~Box 2, Box 2,~~

~~Sherman, Texas.~~



Choctaw MCR 3778

Prudie E. Wooten

See MCR 3772

MCR 3778

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 17, 1901.

#3778.

In the matter of the application of Prudie H. Wooten
for the identification of herself and her minor child as Mississippi
Shoetaws.

Applicant not represented by Attorney.

Prudie H. Wooten, being first duly sworn, upon her
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Prudie H. Wooten.
Q How do you spell it? A P-r-u-d-i-e.
Q V-o-o-t-e-n? A Yes sir.
Q What is your age? A Twenty-one.
Q Twenty-one? A Yes sir.
Q What is your Post Office address? A Howe, Texas.
Q How long have you lived at or near Howe? A Five or six years.
Q Where did you live before that? A I lived in the West six years
---- five years.
Q In the western part of Texas? A Yes sir.
Q Where? A In Wilbarten County.
Q Where were you born? A In Arkansas.
Q Where in Arkansas? A Miller County, near Texarkana.
Q How old were you when you left that state? A Three years old.
Q And then you went where? A I came to Grayson County,
Texas? A Yes sir.
Q What is your father's name? A Franklin F. Waldrop.
Q Franklin F. What? A Waldrop, W-a-l-d-r-o-p.
Q Is he living? A No sir.
Q What is your mother's name? A Elizabeth J. McMahen.
Q She made application for identification before the Commission
to-day did she not, October 17th? A Yes sir.
Q You claim your Shoetaw blood through your mother, do you? A Yes
sir.

(2).

- Q How much Choctaw blood do you claim? A I don't know. I suppose it's a thirty-second.
- Q You think one-thirty-second? A Yes sir.
- Q As far as you know? A Yes sir, that's the best I knew about it.
- Q Has your mother ever been recognized or enrolled as a Choctaw Indian, by either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Arthur Wooten.
- Q Is he a white man or an Indian? A Yes sir.
- Q White? A White man.
- Q Do you make any claim for him? A No sir.
- Q When and where were your father and mother married? A They were married in 1875, first day of December, I think.
- Q By a minister under a license? A Yes sir.
- Q Have you proof of their marriage with you? A No sir, I haven't.
- Q A reasonable time will be allowed you in which to offer evidence supporting their marriage. Your father was a white man was he not? A Yes sir.
- Q You claim your Choctaw blood then only through your mother? A Yes sir.
- Q Where was she born? A In Louisiana.
- Q In what place in Louisiana? A Near Redland, Bossier Parish.
- Q Do you know when she was born, what day of the month and year? A I don't believe I can give the year for sure. December the 15th.
- Q She removed from Louisiana and went where? A To Arkansas.
- Q And from Arkansas she went where? A To Texas.
- Q And has remained in Texas since she went there? A Yes sir.
- Q She never was in Mississippi then? A No sir.
- Q Could you tell about how old she is now? A She's forty-two.
- Q Have you any children that you want to make application for? A One
- Q What is the name of that child? A Burnace Wooten.
- Q What's that? A Burnace.
- Q How do you spell that? A B-u-r-n-a-c-e .
- Q Boy or girl? A Boy.
- Q How old is he? A Three months old.
- Q Were you ever married previous to your marriage to your husband, A No sir.
- Q Was he ever married previous to his marriage with you? A No sir.
- Q You claim for yourself and child do you? A Yes sir.
- Q When and where were you married to your husband, Arthur Wooten? A December 20, 1900.
- Q December 20, 1900? A Yes sir.
- Q Where were you married to your husband? A Howe, Texas.
- Q By a minister under a license? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities the Dawes Commission or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any description that you have ever made for identification as a Mississippi Choctaw either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.

(3).

- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of your child as a Mississippi Choctaw under the provisions of article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir, I don't know that I do.
- Q Do you know what a treaty is? A No sir.
- Q You know what an agreement in writing is don't you? A Yes sir.
- Q Made between two or more persons? A Yes.
- Q Well, a treaty is an agreement in writing only it's made between two or more Nations instead of persons, and is called a treaty to distinguish it from any other contract in writing. It is sometimes called a compact, and it has articles which are numbered from one up to as many articles as there are in it. Each article is a subdivision of the treaty----different part of it. In 1830 the United States Government and the Choctaw Tribe of Indians made such a treaty. The object of it was the removal of all the Choctaw Indians who lived in the old Choctaw Nation partly in the State of Mississippi and partly in the State of Alabama to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became absolutely known, positively known, that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory, and it became necessary that something should be put into that treaty before it was signed to protect the interests of those Choctaw Indians who preferred to stay back in the old Choctaw Nation in Mississippi and Alabama rather than go with the other Indians to the New Choctaw Nation Indian Territory, so article fourteen was put into the treaty of 1830 in order to protect the interests of those Indians who stayed back in the old Nation. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quartered section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

- Q Do you understand that article do you think? A Yes sir.
- Q Now as you have heard it read and explained to you and as you understand it do you know whether any of your Choctaw ancestors complied with any of the provisions of that article. Could you

(4).

- say whether they did or not? A I don't know that they have.
- Q What is the name of your ancestor through whom you claim your Choctaw blood? A William.
- Q William what? A Allen.
- Q William Allen. Did he ever live in Mississippi? A I suppose he did.
- Q Well, do you know? Did you ever hear in the family that he did? A Yes sir, I always heard them say he did.
- Q You claim through your mother, do you not? A Yes sir.
- Q Elizabeth I. McMahan----she appeared here to-day for identification did she? A Yes sir.
- Q She claims through which parent, father or mother? A Mother.
- Q What was her name? A Mary A. Allen, I believe.
- Q Mary A. Allen was her maiden name? A Yes sir.
- Q What was her married name? A Spurlin.
- Q Mary A. Spurlin? A Yes sir.
- Q She claimed through which parent? A Yes father.
- Q What was his name? A Gideon Allen.
- Q Gideon Allen? A Yes sir.
- Q He claimed through which parent father or mother? A His father.
- Q What was his name? A William Allen.
- Q How much of a Choctaw was he? A Well, I don't know. I suppose he was half.
- Q Think he was half? A Yes sir.
- Q Now what makes you think he was half? A I don't know. Only just what I have always heard.
- Q You always heard he was half? A Yes sir.
- Q Well, if he was half how much would you be. Could you figure that out? A I would be a thirty-second I reckon.
- Q William Allen you understand to be one-half. His son Gideon Allen would be half of that which is a fourth. Now then, his child's name was what, through whom you claim, his daughter? A Mary A.
- Q She would be half of a fourth, which is an eighth? A Yes sir.
- Q Mary Allen was your grandmother wasn't she? A Yes sir.
- Q Then your mother would be her daughter and would be half of her mother's blood? A Be a sixteenth.
- Q Be one-sixteenth and you would be half as much as your mother. One-half of one-sixteenth would be one-thirty-second. That is what you claim as I understand it? A Yes sir.
- Q Now you are right. you are one-thirty-second of an Indian, provided you know positively that your ancestor William Allen was one half. That you say is a matter of family history and tradition in your family? A Yes sir.
- Q You have heard your mother say so have you? A Well I have heard my mother say so.
- Q Have heard your mother say so? A Yes sir.
- Q Can you now offer proof or can you obtain any if given time to show that your ancestor, William Allen was half Choctaw Indian, and that he complied with the fourteenth article of the treaty of 1830? Have you any evidence of that kind here? A This paper.
- Q You have that application to offer? A Yes sir.
- Q Have you any other testimony to offer except this application? A No sir.

The application of Prudie E. Wooten, this applicant, presented by her, received, filed, marked exhibit "A" and made a part of the record in this case.

(5).

- Q You have no other evidence that you want to offer now, have you?
A No sir.
- Q No proof of the marriage between your father and mother to offer at present? I can get it, but I haven't it now.
- Q Reasonable time will be allowed you in which to offer such evidence in support of the fact of their marriage, and also any other documentary evidence of any other kind or evidence proper in this case if you desire to present any within a reasonable time.
A Well, I could get a copy of my own certificate.
- Q That would not be necessary. Not of your own. What evidence have you or what do you know of the fact that William Allen lived in Mississippi or Alabama? A Why my people----and mother is the only one I know about it.
- Q She's the only one ever said anything about it? A Yes sir.
- Q You have no other evidence, other than what she said? A No sir.
- Q You don't know that he lived there in 1830, then? A No sir, I don't know when it was.
- Q You don't know when he was born or died? A No sir.
- Q Or when his son Gideon was born or died or where? A No sir.
- Q Whether he lived in Mississippi or not, do you know? A I don't know.
- Q Whether his daughter Mary ever lived in Mississippi or not, that is your grandmother? A I don't know.
- Q Where did she die----if you know? A She died in Louisiana.
- Q Where and when? What part of the State of Louisiana? A Near Redland, Bossier Parish.
- Q What year? A I don't know.
- Q How old was she when she died do you know? A No sir, I don't.
- Q Did any of your Choctaw ancestors claim or receive any----claim any improvement on land in Mississippi or Alabama in 1830 or any time before that? A Not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did William Allen, or his son Gideon Allen, or your grandmother, Mary Spurlin, or any of your Choctaw ancestors to your knowledge go before the United States Indian Agent in Mississippi in 1830 and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama from the Government under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any land or receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir, not that I know of.
- Q Do you know what a supplement of a treaty is? A No.
- Q Did you ever hear of a supplement of a treaty? A I have heard of it but I don't know what it is.
- Q You don't know what it is? A No sir.
- Q A supplement of a treaty is something added to the main treaty after it has been drawn and signed, and often has articles just the same as the original treaty, numbering from one up to as many articles as there are, and also is signed by the parties to the original treaty. There was such a supplement to the treaty of 1830. You don't know whether any of your Choctaw ancestors claimed any rights under that supplement or not? A No sir.
- Q According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek/ the United States Indian Agent, whose name was Colonel Ward was instructed by the Government to make a list

(6).

of the names of all Choctaw Indians who appeared before him within six months after the ratification of the treaty of 1830 and claimed benefits under that article of that treaty, and who also told the Agent that they intended to stay in Mississippi and take land there. This Agent failed to record the names of the greater number of Choctaw Indians who did appear before him within the time limited in article fourteen and as a result of his neglect a great many Choctaw Indians who held land in Mississippi had their land taken from them by the Government and sold. This caused a great many complaints among the Indians and as a result of these complaints in 1837 Congress appointed a Commission. That Commission went to the State of Mississippi and heard claimants under article fourteen and made lists of the names of successful claimants under that article. In 1842 another Commission was appointed for the same purpose and they made lists of successful claimants under article fourteen. Do you know if any of your Choctaw ancestors, William Allen, his son Gideon Allen, or any other of your Choctaw ancestors went before either of these Commissions and claimed any benefits under article fourteen of that treaty? A No sir.

Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been taken from him and sold by the Government, he should be entitled to select land elsewhere in the state of Mississippi, or in the states of Louisiana, Arkansas, or Alabama, to be taken from vacant Government land, and that a certificate to that effect should be given him. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government? A No sir.

Q Do you know of the existence of any written evidence showing that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Not that I know of.

Q Are you acquainted with Eliza Holloway? A Yes sir.

Q Who is she---what relation to you? A She's a cousin.

Q What relation is Mary M. Waldrop? A Aunt of mine.

Q Is Elizabeth I. McMahan your mother? A My mother.

Q What relation is Emmet Holloway? A He's a cousin.

Q Mary E. McCurdy? A She's a cousin, too.

Q Linna B. Dodson? A She's a cousin.

Q These relatives have all appeared for identification before the Commission to-day, October 17, and all claim through the same ancestor, William Alleb through whom you claim your right to identification and previous to this date the following persons have appeared for identification before the Commission. Isaac B. Allen, Joe T. Spurlin., Dixon G. Spurlin, John A. Waldrop and Elbert A. Waldrop. Are these also relatives of yours? A Yes sir.

Q They claim through the same Common ancestor, William Allen? A Yes sir.

Q Now do you want to have the testimony and the records in the cases of all these relatives, all those who claim through the same ancestor, William Alleb, to be considered with yours when yours is considered that you may get the benefit of their testimony? A Yes sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Not at all? A No sir, not at all.

(7).

- Q Do you know whether your ancestor, William Allen had a Choctaw name? A I don't know.
- Q Do you know whether he spoke the Choctaw language? A I don't know whether he did or not.
- Q Do you know anything about his personal appearance? A No sir.
- Q Do you know whether he lived among the Indians or among the white people. A I don't know that. Well, I have heard too, that he lived among the Indians.
- Q Lived among the Indians? A I have heard some of my relatives speak that.
- Q You haven't anything more you want to say have you? A No, I think not.

This applicant has the appearance and physical characteristics of being descended from white parentage. She may show a strain of Choctaw or Indian blood in this, that she had dark complexion, dark brown eyes, very dark brown hair. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on October 17, 1901.

Hal Belford

Subscribed and sworn to before me this 19th day of November, 1901.

Class Mitchell
Notary Public

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
M.C.R. 3778

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Prudie E. Wooten,
Now, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3790
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3644
Clara P. Duke, et. al.,	M	C	R	3825
John G. Allen, et. al.,	M	C	R	3826
Charlie A. Allen, et. al.,	M	C	R	3824
James F. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3827
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3808
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3647
Achillis A. Waldrop,	M	C	R	3648
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3645
Dixon G. Spurlin,	M	C	R	3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James A. Allen

Acting Chairman.

Registered.

M.C.R. 5778

COPY.

Muskogee, Indian Territory, March 24, 1903.

Prudie E. Wooten,

Howe, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Halloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

James Bixby.
Chairman.

No. 3778

For Identification as a Mississippi Choctaw.

OCT 17 1901

Date 1061 LI 100

Name Prudie E. Wooten,

Age 21 Blood 1/32

Post Office, Howe, Texas,

Father: Franklin P. Waldrop.

Mother: Elizabeth J. McMechan.

Claims through mother
husband, Arthur Wooten, w.
No claim for husband.

Children:

Burnace (bry) Wooten, 3m.

Claims for self &
child -

Stenographer Hal Beelford

Choctaw MCR 3779

Sallie Watts

See MCR 3772

MCR 3779

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 17, 1904.

#3779.

In the matter of the application of Sallie Watts for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Sallie Watts, being first duly sworn, upon her oath
testified as follows:

Examination by the Commission.

- Q What is your name? A Sallie Watts.
Q What is your age? A Twenty-one years.
Q What is your post office address? A Howe, Texas.
Q What is that? A Howe, Texas.
Q How do you spell that? A H-o-w-e.
Q H-o-w-e? A Yes.
Q How long have you lived at Howe? A Well, all my life.
Q Born there? A Yes sir, right close.
Q What is your father's name? A J. M. Holloway.
Q How? A J. M. Holloway.
Q J. M.? A Yes sir.
Q Is he living? A Yes sir.
Q What is your mother's name? A Elisa Holloway.
Q Has she appeared for identification to-day? A Yes sir.
Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A About a thirty-second.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians by the Choctaw Tribal
Authorities or the United States Authorities in the Indian Terri-
tory? A No sir.
Q Your father is a white man, is he? A Yes sir.
Q You claim your Choctaw blood wholly through your mother? A Yes
sir.
Q When and where were your father and mother married? A In Lamar
County.

(2).

- Q Lamar County----what State? A State of Texas, in the year 1868.
Q 1868----What day of the month? A I don't know what day it was.
November, but I don't know the day.
Q Have you the proof of their marriage here? A No sir.
Q You will be allowed reasonable time in which to furnish such
proof. How old is your mother? A She's fifty years.
Q And she was born where? A In Louisiana.
Q Whereabouts in Louisiana----do you know? A Bossier Parish.
Q Can you tell when? A No sir, I don't know.
Q Don't remember the year? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Arthur---Henry A. Watts.
Q Is he a whiteman? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Have you children you want to make application for? A No sir, I
havn't got any children.
Q Claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw Tribal Authorities? A No sir.
Q Did you ever make application for citizenship in the Choctaw Na-
tion to the Commission to the Five Civilized Tribes under the Act
of Congress of June 10, 1896? A No sir.
Q Were you ever admitted to citizenship in the Choctaw Nation by
either the Choctaw Tribal Authorities, the Commission to the Five
Civilized Tribes, or the United States Court in Indian Territory?
A No sir.
Q How? A No sir.
Q Is this the first application of any kind that you have ever made
for citizenship in the Choctaw Nation either to the Choctaw Tribal
Authorities or to the United States Authorities? A Yes sir.
Q Do you now come before the Commission for the purpose of being
identified as a Mississippi Choctaw under the fourteenth article
of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Yes, I think I
do.
Q You have heard it about how many times----read and explained?
A Two or three times to-day.
Q Half a dozen?----Fully that I guess? A Yes.
Q Now you have heard it explained fully----explained and read to
these different applicants. Do you think you understand its pro-
visions sufficiently well without a further reading and explana-
tion? A Yes, I think so.
Q Do you waive the reading and explanation in your case? A Yes
sir.
Q Now as you have heard it read and explained and as you understand
it do you know whether any of your Choctaw ancestors complied
with any of its provisions or tried to comply with any of its
provisions? What do you think about that? A Why, I don't know.
Q You don't know? A No sir.
Q What is the name of your ancestor who lived in Mississippi, who
ever lived there, that you ever heard lived in Mississippi? A
William Allen.
Q William Allen----what relation was he to you? If you know? A He
was my great-grandfather.
Q How much Choctaw blood did he have? A Three fourths or a half.
Q Well, he couldn't have both. He had to have one or the other.
A I don't know how much he had. I couldn't say.

(3).

- Q Did you ever hear in the family new---hear it discussed how much he had, as a matter of family tradition and history? A Well, I have heard different ways, and I don't know which would be right.
- Q Well, now, you claim one-thirty-second Choctaw blood. What makes you claim that? How do you claim one-thirty-second? A Well, he'd be a half then.
- Q He'd be a half, yes. He'd be a half if you're one-thirty-second, and if you're one-thirty-second he'd be a half. Now are you sure you're one-thirty-second? Are you sure of that? A Yes, I think so.
- Q You don't know any more about it than that you have heard that stated in the family, by your mother? A Yes sir.
- Q Other members of the family besides her? A No sir.
- Q Her name is Eliza? A Yes sir.
- Q Now your mother, Eliza, claimed one-eighth. She wasn't quite sure, but she thought she was about one-eighth. If she is one-eighth you would be half of that, which would be one-sixteenth. A I don't know how much it would be.
- Q Well, the fact is that it's a little bit doubtful, isn't it, as to your knowledge of it, and her knowledge of it for that matter too. But you did hear, and you do think, that your great-great-grandfather, William Allen, had Choctaw blood? A Yes sir.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q You never heard that he did? A No sir.
- Q Are you sure that he lived in Mississippi at all? A I don't know whether he did or not.
- Q Did his son live in Mississippi---the one through whom you claim? A I don't know.
- Q You claim through your mother, Eliza. She claims through which parent---father or mother? A Mother.
- Q Through her mother? What was her mother's maiden name? A Mary Allen.
- Q Mary Allen, and she claimed through which parent---father or mother? A Her father.
- Q What was his name? A Green Allen.
- Q Green Allen? A Yes sir.
- Q Not Gideon? A No sir.
- Q Was Green Allen ever a resident of the State of Mississippi? A I don't know.
- Q And his father's name was what? A William Allen.
- Q Do you know when and where Green Allen was born and died? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A No sir.
- Q Did any of your Choctaw ancestors to your knowledge claim or receive any land in Mississippi or Alabama from the Government of the United States as Choctaw Indians under article fourteen of the Treaty of 1830? A No sir.
- Q Did they ever claim or receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir, not that I knew of.
- Q According to the provisions of the fourteenth article of the

(4).

Treaty of Dancing Rabbit Creek the United States Indian Agent who lived in Mississippi in 1830, was instructed by the United States Government to make a list of the names of all Choctaw claimants who appeared before him within six months after the ratification of the treaty of 1830, and told him that they intended to stay in Mississippi and take land there and become citizens of the United States. The United States Indian Agent failed to make a proper list of all of the Choctaw Claimants, leaving off the names of the larger majority of Indians who came before him within the time limited by Article fourteen of that treaty, and declared their intentions to stay in Mississippi and take land there. This neglect on his part caused many Indians who held land in Mississippi upon which they had improvements to lose their land, and both the land and improvements were sold by the Government at its public land sales. This caused a great many complaints on the part of the Choctaw Indians, so that in 1837, by Act of Congress approved March 3, of that year, a Commission was appointed which went to the State of Mississippi and heard claimants under article fourteen and made a list of the names of those claimants that were successful. In 1842 another Commission was appointed by Act of Congress approved August 23 of that year, and this one went to Mississippi and heard claimants also, who claimed rights under article fourteen of the treaty of 1830. Do you know whether any of your Choctaw ancestors, whether William Allen, or Gideon Allen, or any others of your Choctaw ancestors went before either of these Commissions, that of 1837, or the Commission of 1842 and claimed any benefits under article fourteen of that treaty? A No sir, I don't know.

- Q The Act of Congress approved August 23, 1842, provided that in case it should be determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government he should be entitled to select land elsewhere in the State of Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your ancestors to your knowledge ever receive any scrip from the Government of the United States under that Act of Congress? A No sir.
- Q Have you any documents you want to present to the Commission now in support of your claim? A Yes sir.

The Affidavit of Sallie Watts presented by her, received filed, and made a part of the record in this case.

- Q Is that all you have? A Yes sir.

This applicant will be given reasonable time in which to file other documentary evidence or other proper evidence if she desires in support of her application.

(5).

- Q Do you speak the Choctaw language? A No sir.
Q Is there anything more you want to say in support of your application? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium light complexion, blue eyes, light brown hair; has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830, and no knowledge of the Choctaw language.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, on October 17, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 19 day of November, 1901.

Clara Mitchell Ward
Notary Public.

COMMISSIONERS.

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3779

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Sallie Watts,

Now, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3799
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3644
Clara P. Duke, et. al.,	M	C	R	3625
John G. Allen, et. al.,	M	C	R	3626
Charlie A. Allen, et. al.,	M	C	R	3624
James T. Allen,	M	C	R	3628
Henry C. Allen,	M	C	R	3627
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3808
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3647
Achilis A. Waldrop,	M	C	R	3648
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3645
Dixon G. Spurlin,	M	C	R	3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Ellie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S)

Acting Chairman.

Registered.

M.O.R. 2779

COPY.

Muskogee, Indian Territory, March 21, 1903.

Ellie Watts,

Howe, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIC)

Tams Dixie.
Chairman.

No. 279

For Identification as a Mississippi Choctaw.

Date

OCT 17 1901

Name

Sallie Watts

Age

21 -

Blood

$\frac{1}{32}$

Post Office,

Howe, Texas.

Father:

J. M. Holloway, l.

Mother:

Eliza " l.

Claims through

mother -

Husband.

Henry A. Watts W.

No claim for husband

~~Watts~~

Claims for self
alone -

Stenographer

Neal B. Ruff

Choctaw MCR 3780

Nesbert W. McPherson

See MCR 1803

MCR 3780

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October, 18, 1901.

#3780.

In the matter of the application of Nesbort W. McPherson, for the identification of himself and his minor child as Mississippi Choctaws.

Applicant not represented by Attorney.

Nesbort W. McPherson, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is the name? A Nesbort W. McPherson.
Q M-e ? A P-h-e-r-s-o-n .
Q What is your age? A What did you say?
Q How old are you? A Twenty.
Q What is your post office address? A Thackersville.
Q What is that? A Thackersville.
Q Crackersville? A Thackersville.
Q Spell it? A I don't believe I can spell it.
Q T-h-a-c-k-e-r-v-i-l-l-e . Is that right? A Yes sir.
Q How long have you lived there? A Why, we have been there two weeks---lived there two weeks.
Q Where were you born? A Ardmore is where I was going to.
Q You were born in Ardmore? A I was born in Wise County.
Q Wise County---that state? A Texas.
Q What date? A Twentieth day of October.
Q What year? A 1891.
Q How long did you live there---about how long? A About seven years.
Q And then you went where? A I went to Dallas.
Q Texas? A Yes sir, Dallas County.
Q And lived there how long? A We lived there two years.
Q And then you went where? A We went back to Parker County.
Q And you lived there how long? A Then we went to the coast. Orange County---Galveston County, first.

(2).

- Q What State? A Texas.
- Q Did you live in Texas all the time till you came to the Territory? A All the time.
- Q And you came to the Territory when, to live? A I don't remember the date, but it will be next Sunday three weeks.
- Q You lived all your life except three weeks, in Texas? A Yes sir.
- Q What is your father's name? A McPherson.
- Q Full name? A B. G. Do you want his----?
- Q Yes, full name? A Bartlett G.
- Q How do you spell that? B-a-r-t-l-e-t-t? A B-a-r-t-l-e-t-t, yes sir.
- Q Bartlett G.? A Yes sir.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Fannie.
- Q She is living? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A Keen.
- Q Through which parent do you claim Choctaw Blood----father or mother? A Mother.
- Q How much Choctaw blood do you claim----do you know? A No, I don't. One-sixteenth, though, I reckon.
- Q Well which is it? Don't know or one-sixteenth? A I don't know.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Well, I don't know. She enrolled when she come up here before, if that's what you mean.
- Q Well, I mean if she is enrolled as a member of the Choctaw Nation by the Choctaw Tribal Authorities----made an Indian. Is she an Indian? A Yes sir.
- Q Well, then you don't have to make any application to-day if she's an Indian, enrolled here in the Choctaw Nation. You don't have to make any application. A Well, that's what they told me, by my being married that I would have to do the same myself.
- Q Well, you don't understand the question, do you? A Well, I don't know.
- Q You understand that this is the Choctaw Nation----Tribe, do you? A Yes sir.
- Q Well, I ask if she is a member of that Tribe, in good standing? A Yes sir.
- Q Well, she isn't, otherwise she wouldn't make application for identification, which she has, I understand, and that's what you are doing? A Yes.
- Q Why do you make application to-day for identification as a Mississippi Choctaw if your mother is also a member of the Tribe by blood, I suppose you would be entitled by blood? A Yes sir.
- Q When and where did she become a member of the Choctaw Tribe of Indians? A I don't know.
- Q Don't you mean that she has made application before the Dawes Commission for identification as a Mississippi Choctaw. Is that what you mean? A Yes sir.
- Q Well, that isn't being enrolled by the Choctaw Tribal Authorities. When did she appear before the Commission for identification as a Mississippi Choctaw? A Last Summer.
- Q Where? A Here.
- Q At Atoka? A Yes sir.
- Q What time last Summer? A I don't know what day it was. It was in September, sometime, though. Sometime in September.
- Q That is in the year 1900? A Yes sir.
- Q Are you married? A Yes sir.

(3).

- Q What is your wife's name? A Gussie.
Q What? A Gussie.
Q Jessie? A Gussie, G-u-s-s-i-e .
Q Is she a white woman? A Yes sir.
Q Do you make any claim for her? A No st.
Q Have you any children that you want to make application for? A One.
Q What is that child's name? A Oma.
Q O-m-i-e ? A O-m-a .
Q Girl? A Yes sir.
Q How old is she? A Three months old the 17th of this month.
Q When and where were you married to your wife, Gussie McPherson? A Never understood you.
Q When and where were you married to Gussie McPherson? A Hamilton County, September 8th,
Q What year? A 1900.
Q In what State----Texas? A Texas.
Q Were you married by a minister under a license? A Yes sir.
Q Have you your marriage license and certificate with you? A No, I havn't.
Q Can you get it? A Yes sir.
Q Or a certified copy of it? A Yes sir.

A reasonable time will be allowed this applicant in which to file marriage license and certificate, or a certified copy thereof.

- Q When and where were your father and mother married----if you know? A I don't know.
Q Were they married under a license by a minister? A Yes sir.
Q Have you the evidence of their marriage here with you? A No, no I havn't.
Q You think you can get it? A Well, I don't know whether I can or not.

A reasonable time will be allowed this applicant in which to file evidence if he desires to prove the marriage of his father and mother.

- Q Is your name or the name of your child on any of the tribal rolls of the Chectaw Nation in the Indian Territory? A Under any other Tribes?
Q Is your name or the name of your child on any of the tribal rolls of the Chectaw Nation in the Indian Territory----on any of the rolls that you knew of? A Not that I knew of.
Q Did you ever make application for citizenship in the Chectaw Nation to the Chectaw Tribal Authorities? A No.

(4).

- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? You never were admitted were you? A Not that I know of.
- Q Never made application did you? A No.
- Q How? A No sir, No.
- Q Is this the first application that you have ever made for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities or to the United States Authorities? A First.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir, I don't understand it, no.
- Q Do you understand what a treaty is? A Well, no, I don't know that I do.
- Q You knew what a contract in writing is, don't you? A Yes sir.
- Q That is made between persons----two or more persons or individuals. A Treaty is a contract in writing made between two or more Nations instead of individuals. If you and another person make a contract in writing it is called an agreement, but now if you can imagine two nations, or more nations making an agreement in writing, it is called a treaty. In 1830 such a treaty was made between the United States Government and the Choctaw Tribe of Indians, and was made for the purpose of getting all of the Choctaw Indians to go from the old Choctaw Nation in Mississippi and Alabama to the New Choctaw Nation in the Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory, and in order to protect their rights and interests article fourteen was put into the treaty. Now article fourteen reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw Annuity"

- Q Now do you understand that? A Yes sir, I understand it I be-

(5).

lieve. I think I do.

- A And you claim under that article do you? A Yes sir, I claim under that. That is, I have always been taught that.
- Q How do you know if any of your Choctaw ancestors as you understand this article, as it has been explained to you, ever complied or attempted to comply with any of the provisions of that article as it has been read to you, do you know whether they did these things enumerated in that article? A No, I don't.
- Q Now what is the name of your ancestor through whom you claim your Choctaw blood? A Keen.
- Q What is the full name? A Nick Keen. W. Keen.
- Q K-e-e-n? A Yes sir, K-e-e-n, Keen.
- Q You claim through your mother? A Yes sir.
- Q And she claims through which parent----father or mother? A Keen, father, I mean, to say.
- Q Her maiden name was Keen then, Fannie Keen? A Yes sir.
- Q What was her father's name? A Nick Keen.
- Q That is your grandfather, is it? A Yes sir, that's my grandfather.
- Q Now how much Choctaw blood did he have----now do you know? A Well, he claims a quarter.
- Q How do you know he had a quarter Choctaw blood? A I don't know, that's what they've always----
- Q Always told you in the family? A Yes sir, that's what I know about it.
- Q If he claimed a quarter how much would your mother claim? A Well it would be half of that.
- Q Well, half of one-fourth is one-eighth? A Yes sir.
- Q And then one-half of an eighth is how much? A Sixteenth.
- Q Well, that would be your claim, wouldn't it? A Yes sir.
- Q Well, if Nick Keen had one-quarter Choctaw blood you would have? A One-sixteenth, I suppose.
- Q One-sixteenth. So one-sixteenth is right provided one-fourth is right for Nick Keen? A Well, that's what I have always been taught.
- Q Always been taught in the family? A Yes sir.
- Q Did he have a Choctaw Indian name do you know? A I don't know sir.
- Q Did he speak the Choctaw language? Did you ever hear that he spoke the Choctaw language? A Not that I know. Not since I knew him.
- Q Did he live in Mississippi----or Alabama? A I don't know.
- Q Didn't you ever hear where he lived----whether he lived in Mississippi or Alabama? A I have heard that he lived in there but I don't know when it was, or how long it's been.
- Q You heard he lived in Mississippi? A I heard them talk of him living in Mississippi.
- Q Did you ever hear them say he lived in Mississippi? A Well, I don't know that I could answer that.
- Q Your mother is living. How old is your mother----about? A About forty.
- Q Where was your mother born? A Louisiana, I believe she tells me.
- Q Can you tell where her father, Nick Keen was born? A No sir.
- Q When he died? A No sir.
- Q Or when he died? A No sir.
- Q Do you know whether he claimed his Choctaw blood through his father or mother? A No sir, I don't believe I can answer that.
- Q Did you ever hear his father's name or his mother's name? That would be your great-grandfather and your great-grandmother? A

(6).

- Yes sir, I have heard it, but I don't remember which was which.
- Q You don't know which had the Chectaw blood? A No sir, I don't.
- Q What was Nick Keen's wife's name, your grandmother? A My own grandmother?
- Q Nick Keen's wife? A Williams.
- Q Well, she was a white woman wasn't she? A Yes sir.
- Q What was her given name? A Al-----.
- Q How? (No answer)
- Q Don't you remember? A No sir.
- Q Do you know whether Nick Keen was a recognized member of the Chectaw Tribe of Indians in Mississippi in 1830? A No sir, I don't know.
- Q Did any of your ancestors ever own any improvement on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Chectaw ancestors go from the Chectaw Nation in Mississippi or Alabama to the Chectaw Nation Indian Territory with the other Indians between 1833 and 1838? Did you ever hear that they did? A Well, I have always----I have heard that grandpa's brother went. That's all I know about it.
- Q What was his name? A Well, you're too hard for me now. I can't answer that.
- Q His name was Keen wasn't it? A Yes sir, his name was Keen, but I don't know his surname----I mean his given name.
- Q Did any of your Chectaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time, and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Chectaw ancestors claim any land from the Government of the United States under article fourteen of the treaty of 1830? A No sir, I don't know that.
- Q Did any of your Chectaw ancestors claim any land or any benefits under any other article of the treaty of 1830 except article fourteen, or under the supplement of that treaty? A I can't tell you.
- Q According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the United States Indian Agent, Colonel Ward was requested, or was required by the United States Government to make a list of the names of Chectaw Indians who came before him within six months after the ratification of the treaty of 1830 and told him that they wanted to live in Mississippi and take land there. Colonel Ward made a list called Ward's Register, but it contains a very few of all of the Indians who came before him under the provisions of article fourteen and made their declarations to take advantage of that article. As a result of his neglect a great many Indians who lived in Mississippi and Alabama and occupied land there in the old Chectaw Nation, had both their land and improvements upon the land taken away from them and sold by the Government. This caused a great many complaints on the part of the Indians, so that in 1837 a Commission was appointed by Act of Congress of the date of March 3, 1837, and this Commission went to the State of Mississippi and heard a great many claimants under article fourteen and made a list of the names of the successful claimants. In 1843 another Commission was appointed by Congress, by an Act approved August 23, 1843. This Commission also made a list of the names of successful claimants. Do you know if any of your Chectaw ancestors appeared before either of these Commissions, that of 1837 or the Commission of 1843 and claimed benefits under article fourteen of that treaty? A No

(9).

sir, I don't know.

- Q Have you any documentary evidence of any kind that you would like to present now in support of this claim. Any papers of any kind?
A No sir.
- Q Would you like time in which to file evidence if necessary? A No which?
- Q To file papers here in support of your claim? Affidavits or any other proper evidence? A Yes sir.

Reasonable time will be allowed this applicant in which to present documentary evidence or other proper evidence in support of this application which he makes for himself and his child.

- Q Have you had any relatives who have come before the Commission to be identified as Mississippi Choctaws? Has your mother been here? A Yes sir.
- Q Her name is what? A McPherson.
- Q Yes---what is the full name? A Fannie.
- Q Have any other of your relatives appeared before the Commission to be identified besides your mother? A Keen, W. Keen, Nicholas Keen.
- Q He is living, is he? A Yes sir.
- Q Who did he claim his Choctaw blood through? A His mother, Davis. Her maiden name was Davis.
- Q What other persons have appeared? A Well, my uncle that lives in Mississippi now.
- Q What is his name? A Keen.
- Q Full name? A Daniel Keen. My aunt that lives in Wise County.
- Q Where? A In Wise County.
- Q Texas? A Yes sir, Malinda Williams. And she's got five or six brothers that come with her when she come up here to register.
- Q Daniel Keen appeared in Mississippi, did he, made application in in Mississippi? A Yes sir.
- Q He lives there, does he? A Yes sir.
- Q Now your mother and Wick Keen and Daniel Keen, who made application in Mississippi, and Malinda Williams who made application here---these are all relatives of yours? A Yes sir.
- Q And others whose names you haven't given. Do you want to have the evidence and the records in their cases considered when yours is considered that you may get the benefit of what they have testified to? A Yes sir, I would like to.
- Q Is there anything more you want to say in support of your claim that you can think of? A No sir, not that I know of, I don't believe.
- Q Do you speak the Choctaw language? A No sir.

Fannie McPherson, being called and duly sworn as a witness in this case, testifies as follows.

(8).

Examination by the Commission.

- Q What is your full name? A Frances Eugene.
Q What name did you give when you made application? A Well, I give it in McPherson.
Q Frances E., or Fannie? A Well, I don't remember now.
Q Your real name is Frances Eugene McPherson, is it? A Well, yes sir.
Q What is your residence----where do you live? A I live at Thackersville----Thackersville is my Post Office.
Q Indian territory? A Yes sir.
Q Your age is what? A Forty.
Q Have you made application for identification as a Mississippi Choctaw before this Commission? A Yes sir.
Q When did you make application? A It was in July, I believe.
Q July----what year----this year or last? A Yes sir, this year.
Q 1891? A Yes sir.
Q Where did you make application? A Right here.
Q Right here at Atoka? A Yes sir.
Q You claim your Choctaw blood through which ancestor? A My father
Q Nick Keen? A Yes sir.
Q Yes, but going back farther, he claimed his blood through which parent, father or mother? A Mother.
Q What was his mother's name? A Betsy Davis.
Q Betsy Davis-----that was her maiden name? A Yes sir.
Q She married Keen, did she? A Yes sir.
Q What was his first name, her husband, do you remember? A I don't remember his name.
Q Betsy Davis---now she claimed her Choctaw blood through which parent, father or mother----if you know? A I don't believe I know.
Q Now is that the common ancestor through whom you all claim? A Yes sir.
Q Betsy Davis? A Yes sir.
Q All gave her name? A Yes sir.
Q Did any of them go back further than that----do you know? A I guess Pa did.
Q Did Betsy Davis ever live in Mississippi? A Yes sir.
Q She lived in Mississippi did she? A Yes sir.
Q When did she live in Mississippi? A Well she died there.
Q She died in Mississippi? A Yes sir.
Q When did she die? A It's been about twenty year ago.
Q How old was she when she died? A I don't know how old she was.
Q About how old----was she an old woman or a young woman? A Yes sir, she was an old woman.
Q Was she over sixty, or over seventy? Just give me an idea if you know? A About seventy, I believe.
Q Then she must have lived in Mississippi in 1830, didn't she? A I guess so.
Q Because that would be seventy-one years ago from now, and if she's over seventy, and died twenty years ago you say? A I guess its been about twenty years.
Q She would have been born somewhere in 1810 or 1812 wouldn't she? She'd have been born over eighty years ago? A Yes sir.
Q Over ninety years ago. Twenty years ago when she died and seventy years old. Well now you don't know whether she was born in Miss-

(9).

- Mississippi or not? A No sir-----well, I know she wasn't borned in Mississippi.
- Q How? A She wasn't borned in Mississippi.
- Q She wasn't born in Mississippi? A No sir.
- Q Are you sure she lived there? A Yes sir she lived there.
- Q Well, you don't know her father's or mother's name? A Josiah.
- Q Josiah Davis? A Yes sir.
- Q Did he live in Mississippi? A Yes sir, I believe he did, I don't know.
- Q You don't know about that? A No sir.
- Q You never heard whether he did or not? A I expect I have heard but I have forgotten.
- Q Well, how did Betsy Davis happen to live in Mississippi, if you don't know whether her father did? A Well, she come there after she was married.
- Q After she was married? A Yes sir.
- Q She and her husband lived there? A Yes sir.
- Q What was her husband's name? A I thought that was what you asked me awhile ago. Josiah was his name.
- Q Josiah was Betsy Davis' husband's name? A Yes sir.
- Q No, I asked you who was the father of Betsy Davis? A Well, I don't know.
- Q Josiah Davis then is the husband of Betsy Davis, and not the father? A No sir, he was her husband.
- Q Can you tell me the father of Betsy Davis? A No sir, I can't tell you his name.
- Q Then you can't go back any further than Betsy Davis? A No sir.
- Q You don't know whether she had a family there of children living with her in Mississippi in 1830? A No sir, I don't know.
- Q She hardly would have if she was born in 1810 or thereabouts, but she might have too. She would have been twenty years old but you don't know about it? A No sir, I don't know. I just can remember seeing her.
- Q You don't remember when she married Josiah Davis? A No sir.
- Q Or when she went with him to Mississippi? A No sir.
- Q She was born where----in what state? A Let me see----I don't remember now.
- Q She wasn't born in Mississippi though? A No sir.
- Q You don't remember the state? A No sir.
- Q Do you know whether she ever held any land in Mississippi? A No sir, she didn't.
- Q Did she ever comply with article fourteen of the treaty of 1830? A No sir.
- Q Was she ever recognized as a Choctaw Indians in the old Choctaw Nation in Mississippi or Alabama? A No sir.
- Q You understand do you not, the provisions of article fourteen as you have heard it read and explained? A Yes sir.
- Q And you can't say that she or any of her ancestors ever complied with any of the provisions of that article? A No sir.
- Q This is your son, isn't it---this applicant? A Yes sir.
- Q His claim is through you? A Yes sir.
- Q Now is there anything more you want to say in this case? A No sir.

Witness excused.

(10).

This applicant has the appearance and general characteristics of being descended from white parentage; blue eyes, light brown hair, and medium dark complexion. He does not speak or understand the Chectaw language, and does not know of any compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 18, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in the said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 19th day of November, 1901.

Charles Mitchell
Notary Public.

Muskogee, Indian Territory, October 21, 1902.

Nesbort W. McPherson,

Thackerville, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Dodie Richardson, et al.,	" 2741
Jim Keen,	" 2742
Savilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jarmon,	" 3133
Fannie McPherson, et al.,	" 3134
Nesbort W. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3135
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Josiah Keen, et al.,	" 2745

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Moris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3780

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 24, 1903.


Nesbert W. McPherson,

Thackerville, Indian Territory.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,



Chairman.

Muskogee, Indian Territory, June 10, 1905.

H. W. McPherson,
Mannsville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28, 1905, by reference from the United States Indian Inspector for Indian Territory, Muskogee, I. T., requesting to be advised the status of your application for identification as a Mississippi Choctaw.

The records of the Commission show that the rights of the several persons included in the consolidated Mississippi Choctaw case of Daniel Keen, et al., of which your application is a part, were passed upon by the Commission on October 21, 1902, and a decision was rendered adverse to all the applicants.

The record in this case, together with the decision, was forwarded to the Secretary of the Interior on November 6, 1902, for his consideration. On March 14, 1903, the Secretary sustained the action of the Commission in refusing the applicants, by affirming the decision theretofore rendered.

In view of the above, it is not believed that any of the parties applicant in the consolidated Mississippi Choctaw

H. V. McPherson 2

case of Daniel Keen, et al, are entitled to share in the distribution of land and moneys of the Cheateau and Chickasaw tribes of Indians.

Respectfully,

Chairman.

MCR-3780.

COPY

Muskogee, Indian Territory, January 11, 1907.

Nesbert W. McPherson,
Mannsville, Indian Territory.

Dear Sir:-

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the applications of yourself and child are a part.

Respectfully,

SIGNED

James H. ...

Commissioner.

3780



DEPT. OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C.

FILED

APR 17 1903

A handwritten signature in dark ink, appearing to be 'J. H. ...', written over a faint circular stamp. The signature is bold and somewhat stylized.

CHAIRMAN.

1019

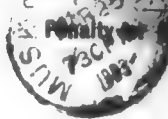
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE IND. TER.

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H. H. H. H.

Nesbet W McPherson

Shackville

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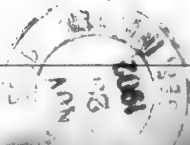
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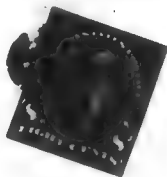
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

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ACTING CHAIRMAN





Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Robert H. ...
Unclaimed
Return

No. 3780

For Identification as a Mississippi Choctaw.

Date OCT 18 1901

Name Herbert W. McPherson

Age 20 1/2 Blood ~~don't know~~ 1/16

Post Office, Thackerville, I. T.

Father, Bartlett G. McPherson, l

Mother, Fannie " l

— Claims through — mother —
wife, Gussie McPherson, W.
No claim for wife —

Children:

Olma (girl) " — 3 m.

claims for herself
& chex —

Stenographer Hal Beelford

Choctaw MCR 3781

Louisiana A. Holloway

See MCR 3772

MCR 3781

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 18, 1901.

#3761.

In the matter of the application of Louisiana Alabama Holloway, for the identification of herself and her four minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Louisiana Alabama Holloway, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is the name? A Louisiana Alabama Holloway.
Q L-o-u-i-s-i-a-n-a? A Yes sir.
Q H-o-l-l-o-w-a-y? A Yes sir.
Q What is your age? A Forty-eight.
Q What is your post office address? A Luella, Texas.
Q Luella? A Yes sir.
Q H-o-l-l-o-w-a-y? A Yes sir.
Q How long have you lived there? A I have been living there thirty year.
Q How long? A Thirty year.
Q Where were you born? A Louisiana.
Q What place in Louisiana? A In Bossier Parish.
Q When did you leave Louisiana? A In '66.
Q You left in 1866---where did you go to? A Came to Texas.
Q What place in Texas? A Close to Luella.
Q And have lived there ever since? A Yes sir.
Q What is your father's name? A Martin.
Q Full name? A Augustus Martin.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary F. Martin.
Q Is she living? A No sir, she's dead.
Q Through which parent do you claim Choctaw blood? A Through my mother.

(2).

- Q How much Choctaw blood do you claim? A I don't know.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I know of.
- Q Have you proof of the marriage of your father and mother with you? A No sir.
- Q Do you know when they were married? A No sir.
- Q Where? A No sir.

Reasonable time will be allowed this applicant in which to introduce proper evidence in proof of the marriage of her father and mother.

- Q You claim through your mother----your father was a white man?
- A Yes sir.
- Q He wasn't an Indian? A No sir.
- Q How old was she when she died? A She was forty-two.
- Q Forty-two? A Yes sir.
- Q Where did she die? A She died near Luella.
- Q In Texas? A Yes sir, Texas.
- Q And do you remember the date of her death----how long ago? A Its been twenty-five years ago.
- Q Where was she born----in what state? A I think she was born in Georgia.
- Q Born in Georgia, sixty-seven years ago? A Yes sir.
- Q Did she claim through her father or mother? A Through her father.
- Q What was his name? A Green Allen.
- Q Green Allen? A Yes sir.
- Q Green Allen----well now, how much Choctaw blood did Green Allen have----do you know? If you don't know just say so. A No sir, I don't know.
- Q What was his father's name? A William Allen.
- Q William Allen? A Yes sir.
- Q Did William Allen or Green Allen ever live in Mississippi, either of them? Did you ever hear that they did? A Well, I can't tell you.
- Q Did William Allen or Green Allen either of them speak the Choctaw language? A Well, I don't know sir.
- Q Did either of them have an Indian name? A I don't know sir.
- Q Are you married? A Yes sir, my husband's dead.
- Q Are you going to make application for children to-day? A I have children.
- Q Under age? A Yes sir.
- Q And is this husband of yours who is now dead----is he the father of these children? A Yes sir.
- Q What was his name? A George W. Holloway.
- Q When did he die, and where? A He died two years ago----this last April was a year ago.
- Q Was he a white man? A Yes sir.
- Q Now give me the name of your oldest child, unmarried and under twenty-one? A Henry Marshall Holloway.

(3).

- Q Henry M.----how old is he? A Twenty.
Q Name of the next? Ada Allie Holloway.
Q Ada A.----how old? A Thirteen.
Q Next? A Andrew Jackson Holloway.
Q How old? A Ten.
Q Next? A Banner.
Q How? A Banner Beatrice.
Q That's a girl, I guess? A Yes sir, she's seven.
Q Next? A That's all, four.
Q George W. Holloway was the father of these children? A Yes sir.
Q These children are living with you at your home are they? A Sir?
Q They are living with you at your home? A Yes sir.
Q When and where were you married to him? A I was married in Grayson County, Texas, near Whitesound.
Q When? A In '71.
Q Day of the month? A August 17th.
Q By a minister? A Yes sir.
Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory----are they on the tribal rolls of the Choctaw Nation? A No sir.
Q Have you ever made application for citizenship for yourself or children in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission for yourself and children under the Act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand article fourteen of the treaty of 1830? A No sir, not fully.
Q The treaty of 1830 was entered into between the Choctaw Tribe of Indians and the United States Government at a place called Dancing Rabbit Creek, in Mississippi, in that year, and was made for the purpose of getting all of the Choctaw Indians to go from the old Choctaw Nation which was partly in the State of Mississippi and partly in the state of Alabama to the new Choctaw Nation, Indian Territory. Before that treaty was signed it became evident that a great many Choctaw Indians would not go to the Indian Territory and in order to protect their interests article fourteen was put into the treaty. An article in a treaty is one of the subdivisions of it, merely a part of it. Articles are numbered from one up to as many articles as there are in the treaty, usually. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and hereafter she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age

(5).

to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830 under which you are making this claim now. You will notice that it says:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen".

This is a special reservation, this whole article, in favor of the Mississippi Choctaw who stayed back in Mississippi at the time when the other Indians came under the treaty to the new Choctaw Nation Indian Territory. Do you claim under this article of this treaty? A Yes sir.

- Q You understand it now, do you not? A Well, not altogether. I don't fully understand it.
- Q You understand it better than you did, don't you? A Yes sir.
- Q You understand it well enough to make a claim under it, I presume do you not? A Yes sir.
- Q Now as you have had it read and explained to you and as you understand it, do you know whether any of your Choctaw ancestors ever complied, any of your Choctaw ancestors through whom you claim your right to be identified now, ever complied or attempted to comply with any of the provisions of that article? Do you know whether they so did? A No sir.
- Q Were any of your Choctaw ancestors to your knowledge living in Mississippi or Alabama in the year 1830? When this treaty was ratified? A I don't know.
- Q You claim through your mother, Mary F. Martin, do you not? A Yes sir.
- Q What was her maiden name? A Allen.
- Q What was her father's name? A Green Allen.
- Q And his father's name was William Allen, I think you said? A Yes sir.
- Q Did any of these three people, your mother, her father, or his father, William Allen, ever live in Mississippi to your knowledge? A I don't know sir.
- Q Did they ever live in Alabama? A I don't know.
- Q When and where was Green Allen born? A I don't know sir.
- Q When and where did he die? A I don't know.
- Q When and where was William Allen born? A I don't know.
- Q When and where did he die? A I don't know.
- Q Do you know anything about William Allen's father or mother? A No sir.
- Q You don't know whether any of your Choctaw ancestors then lived in Mississippi or Alabama? A No sir, I do not.
- Q Did any of your Choctaw ancestors, or did you ever hear that any of them owned any improvements on land in Mississippi or Alabama in 1830? A I don't know, no sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians

(6).

- between 1833 and 1838? A No sir, not that I know of.
- Q You don't know? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there, or in Alabama? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors claim any land or get any land under any other article of the treaty of 1830 than article fourteen, or under the supplement of that treaty? A I don't know.
- Q You don't know? A No sir.
- Q The following people have made application for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes. They all claim through the same common ancestor, William Allen, through whom you are making your claim to-day. Joseph T. Spurlin. What relation is he to you? A He's a second cousin.
- Q Dixon G. Spurlin? A Second Cousin.
- Q John A. Waldrop? A He's about a third or fourth cousin.
- Q Qchiles A. Waldrop? A Yes, he's about a third cousin.
- Q Third cousin? A Yes, or fourth.
- Q Henry G. Martin? A Brother.
- Q Emmet Holloway? A He's my uncle.
- Q Mary E. McGurdy? A My niece.
- Q Linna B. Dodson? A She's about a third cousin, or fourth cousin.
- Q Prudie E. Wooten? A Yes sir, she's about a third or fourth cousin.
- Q Sallie Watts? A She's a niece of mine.
- Q Eliza Holloway? A Sister of mine.
- Q Mary M. Waldrop? A She's a cousin.
- Q Mary I. McNahan? A That's Betty, ain't it.
- Q That's Betty. A That's a cousin of mine, about a third cousin.
- Q These are all related to you, are they? A Yes sir, they're all related.
- Q Do you want to have the testimony and the records in each of these cases considered with yours that you may get the benefit of what they have testified to? A Yes sir.
- Q In accordance with the provisions of article fourteen of the Treaty of 1830, the United States Indian Agent who lived in Mississippi at that time, was required by the United States Government to make a list of the names of all of the Mississippi Choctaw Indians who went to him within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States, but the United States Indian Agent failed to make a full list of all of the names of those who came before him, and he left so many off his list called Ward's Register, that a great many Indians who occupied land in Mississippi upon which they had improvements, had both land and improvements taken away from them by the Government and sold. This caused a great many complaints among the Indians so that as a result of the complaints made a Commission was appointed in 1837, by Act of Congress approved March 3rd of that year and this Commission went to the State of Mississippi and heard a great many Choctaw claimants who claimed rights under article fourteen of that treaty and made a list of the names of successful claimants. In 1842 Congress appointed another Commission for the same purpose and this Commission went to Mississippi and made a list of all successful claimants who appeared before it. Did any of your ancestors, William Allen or his son

(7).

Green Allen, or any others of your Choctaw ancestors go before either of those Commissions, that of 1837 or the Commission of 1842 and claim benefits under article fourteen of that treaty?

A I don't know sir.

- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, that he should be entitled to select land elsewhere in the State of Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant Government land, and that a certificate, or scrip as it was called, should be issued to him to that effect. Do you know if any of your Choctaw ancestors received any such scrip from the Government? A No sir, not that I know of.
- Q Have you any documentary evidence that you want to present now in support of your application, any papers, I mean, any papers of any kind, or the petition of anyone in writing? A No sir.
- Q You haven't any? A I have this.

The Petition of Louisiana A. Halloway presented by applicant, received, filed, marked exhibit "A" made a part of the record in this case.

Reasonable time will be allowed this applicant in which to file further testimony in support of her claim if she desires. Also the proof of the marriage between her father and mother.

- Q Do you speak Choctaw? A No sir.
- Q Understand it? A No sir.
- Q Is there anything more you want to say about this case? A No sir.
- Q Nothing further you want to say? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has blue eyes medium light complexion, dark brown hair. She does not understand or speak the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 18, 1901, and that the above and foregoing

(a).

is a full true and correct transcript of his stenographic notes
in said cause on the said day of October, 1901.

Subscribed and sworn to before me this _____ day of November, 1901.

Wm. Mitchell Wood

Notary Public.

MC 3781

Muskogee, Indian Territory, February 10, 1902.

Louisiana A. Holloway,
Luella, Texas,

Dear Madam:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between Louisiana A. Martin and George Holloway, which is offered in support of the application for identification as Mississippi Choctaws of Louisiana A. Holloway, et al., and the same has been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

COMMISSIONERS:

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3781

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 6, 1902.

Louisiana A. Holloway,

Luella, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3790
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3765
Isaac B. Allen, et. al.,	M C R 3644
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3776
Alfred J. Roberson,	M C R 3778
Elizabeth I. McMahan, et. al.,	M C R 3779
John A. Waldrop,	M C R 3647
Achilles A. Waldrop,	M C R 3648
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3646
Dixon G. Spurlin,	M C R 2950

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ila Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Acting Chairman.

Registered.

M.C.R. 3781

COPY.

Mustoge, Indian Territory, March 24, 1903.

Louisana A. Holloway,

Luella, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elisa Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

No. 3781

For Identification as a Mississippi Choctaw.

Date

OCT 18 1901

Name Louisiana A. Holloway

Age 48 Blood don't know.

Post Office, Luella, Texas.

Father: Augustus Martin, d

Mother: Mary F. " d

Claims through mother.

Husband
George W. Holloway (d.)
(w.)

Children:

Henry M. Holloway, 20

Ada A. " 13

Andrew J. " 10

Banner B. " (girl) 7

Claims for self
& children.

Stenographer

Hal Belford

Choctaw MCR 3782

Green A. Martin

See MCR 3772

MCR 3782

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 18, 1901.

#3782.

In the matter of the application of Green A. Martin
for the identification of himself and his five minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

Green A. Martin, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is the name? A Green A. Martin.
Q G-r-e-e-n? A Yes sir.
Q What is your age? A Forty-six.
Q What is your post office address? A Whitesound, Grayson County,
Q Texas? A Yes sir.
Q How long have you lived there, or near there? A Well, I have
been there thirty years, I believe.
Q Where did you live before that? A Louisiana.
Q Where were you born? A Louisiana, Bossier Parish.
Q How long did you live in Louisiana? A Why, I think it was
twelve or thirteen years.
Q Then you went from there where? A To Grayson County, Texas.
Q And have been there since? A Yes sir.
Q What is your father's name? A Augustus Martin.
Q Is he living? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Mary J. Martin.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I'll declare I don't
know. About a sixteenth I reckon.
Q Well, don't you know? A I don't know.
Q Has your mother ever been recognized in any way, or enrolled as a
member of the Choctaw Tribe of Indians, by either the Choctaw
Tribal Authorities or the United States Authorities in the Indian

(2).

- Territory? A No sir.
- Q When and where were your father and mother married? A Louisiana, I think.
- Q What place in Louisiana? A I don't know.
- Q When were they married? A I don't know, only what my father said it was 1834, I believe.
- Q What day of the month? A I don't know.
- Q Have you their marriage license and certificate, or any proof of their marriage with you? A No sir.
- Q Reasonable time will be allowed you in which to file it with the Commission. Your father was a white man? A Yes sir.
- Q You claim then your Choctaw blood wholly through your mother? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Lucy L. Martin.
- Q Lucy? A Yes sir.
- Q Lucy L.? A Yes sir.
- Q Is she a white woman? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q Have you children under the age of twenty-one and unmarried? A Yes, sir, I have five unmarried.
- Q What is the name of the oldest? A Ray A. Martin.
- Q Ray? A Yes sir----A. Martin.
- Q Boy? A Yes sir.
- Q How old is Ray? A Fourteen years old.
- Q Next? A Ernest C. Martin.
- Q E-r-n-e-s-t C.----how old? A He's twelve years old.
- Q Next? A Lee Ila.
- Q What? A Lee Ila.
- Q Is that all one name, or Lee A.? A It's Lee Ila. No, another E.
- Q Well, how do you spell it? A L-e-e I-l-a .
- Q Now is that right? A That's right.
- Q How old is she? A Eight years old.
- Q Now the next? A Stella L. Martin.
- Q Girl? A Yes sir.
- Q How old? A Six years old.
- Q The next? A Carl H. Martin.
- Q C-a-r-l ? A Yes sir.
- Q How old? A One year old.
- Q Is that all? A That's all.
- Q Is Lucy L. Martin the mother of these children? A Yes.
- Q Are you the father? A Yes.
- Q You claim for yourself and these children? A Yes sir.
- Q When and where were you married to your wife Lucy L.? A Married in the Indian Territory.
- Q Whereabouts? A On the edge of the Territory, over this side of Denison three miles.
- Q Near Denison? A Yes sir.
- Q When? A September 14, '82.
- Q By a minister? A Yes sir.
- Q Under a license? A Yes sir.
- Q Have you this license and certificate with you? A Yes sir.
- Q You have that with you? A Yes sir.
- Q And you intend to file that to-day? A Sir?
- Q You intend to file that to-day? A Yes, if it's necessary.
- Q Well, it's for you to say if it's necessary not for me? A Yes.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

(3).

- Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted with your children to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have made for yourself or children, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission to identify yourself and children under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of that treaty? A Not fully, no sir.
- Q You understand what a treaty is, I presume? A Yes sir.
- Q A treaty was made between the United States Government and the Choctaw Indians in 1830 at a place called Dancing Rabbit Creek, in Mississippi. The object of that treaty was the removal of all of the Choctaw Indians who lived in the old Choctaw Nation, which was partly in Mississippi and partly in Alabama, to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests, article fourteen was put into the treaty. Now article fourteen of that treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

- Q Do you understand that? A Yes, I reckon so.
- Q Do you know, as you understand it now, from having had it explained and read to you, whether any of your ancestors ever complied or attempted to comply with the provisions of that article fourteen? A No sir.
- Q How? A No, I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830, when that treaty was made? A I don't know.
- Q You claim through your mother, do you not? A Yes sir.

- Q Mary P. Martin? A Yes sir.
- Q Her maiden name was Mary P. what? A Allen.
- Q Her father's name was what? A Green Allen.
- Q Do you know whether he was a Choctaw Indian? A I don't know.
- Q Do you know how much Choctaw blood he had? A No sir.
- Q When he was born and where? A No sir.
- Q When he died and where? A No sir.
- Q Do you know where your mother was born? A Well, she was born in Georgia, I suppose.
- Q Do you remember the date? A No sir.
- Q Was she ever in Mississippi that you know of? A Not that I know of.
- Q Green Allen's father was named what? A William Allen.
- Q Did he have Choctaw blood? A They say he did.
- Q Who said he did? A My uncle. I had an uncle say he had.
- Q What uncle is that? A I. B. Allen.
- Q Is he living now? A Yes sir.
- Q Has he made application for identification here as a Mississippi Choctaw? A I think so.
- Q Did William Allen ever live in Mississippi? A Not that I know of.
- Q Did his son Green ever live there? A I don't know.
- Q Do you know positively whether any of your ancestors ever lived in the State of Mississippi? A No sir.
- Q Did you never hear whether they did or not? A No sir.
- Q How much Choctaw blood did William Allen have? A I don't know.
- Q Did you ever hear in the family? A No sir.
- Q Never heard anyone say---make any estimate of it? A No sir.
- Q Have you any evidence anywhere, any person who could come here and testify as to whether any of your ancestors lived in the State of Mississippi, and if they did whether they ever complied with the provisions of the treaty of 1830, and also if they had any Indian blood? A No sir.
- Q You don't know yourself that your ancestors had any Indian blood? A No sir.
- Q And never heard that they had? A Well, my uncle told me they did. That's all I know.
- Q Well, you heard through your uncle then? A Yes.
- Q Now did he ever tell you that William Allen had Choctaw blood? A Yes.
- Q Did he say how much? A He didn't know.
- Q Did William Allen or Green Allen either one of them understand the Choctaw language? A No sir, not that I knew of.
- Q Did they, either of them have an Indian name? A Not that I knew of.
- Q Did either of them own any land in Mississippi which they received from the Government under article fourteen of the treaty of 1830? A I don't know.
- Q Did they ever own---any of your ancestors ever own any land or receive any benefits whatever under any other article of the treaty of 1830 than article fourteen, or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama in 1830 or any time before that? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.

(5).

- Q Did any of them ever go to the United States Indian Agent within six months after the ratification of the treaty of 1830, and tell him that they intended to stay in Mississippi and take land there?
A I don't know.
- Q The following people have made application for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes. Joseph T. Spurlin, Dixon G. Spurlin, John A. Waldrop, Achilles A. Waldrop, Henry G. Martin, Rhet Holloway, Mary E. McCurdy, Linna B. Dodson, Prudie E. Wooten, Sallie Watts, Eliza Holloway, Mary M. Waldrop, Elizabeth I. McMahan, Louisiana A. Holloway: are these kin of yours---all of them? A Yes sir.
- Q All related to you, are they? A Yes sir.
- Q They all claim through William Allen, the same ancestor through whom you claim your right to be identified. Do you want to have their testimony and the records in their cases considered with yours when yours is considered, in order that you may get the benefit of what they have testified to? A Yes sir.
- Q In accordance with the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, the Government directed the Agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of the treaty of 1830. On account of this neglect on the part of the Indian Agent to so register those names, a great many Indians who had land in Mississippi upon which they had improvements had both land and improvements taken from them by the Government and sold. This caused so many complaints among the Indians that in 1837 a Commission was appointed by Act of Congress approved March 3rd of that year, and this Commission went to the State of Mississippi and heard all Choctaw Indian claimants who claimed under article fourteen, and made a list of the names of all successful claimants under that article of that treaty. In 1842 another Commission was appointed by Act of Congress approved August 23rd, of that year, and this Commission went to Mississippi and made a list of the names of successful claimants who claimed under article fourteen of the treaty of Dancing Rabbit Creek. Did any of your Choctaw ancestors go before either of those two Commissions and claim benefits under article fourteen of that treaty? A I don't know.
- Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land either in the State of Mississippi, Alabama, Louisiana or Arkansas, and that he should receive a certificate which was called scrip, to that effect. Did any of your ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know.
- Q Have you any documentary evidence you want to introduce now in support of your claim? A No sir.
- Q You have this, haven't you? A Yes.

Application of Green A. Martin presented by applicant, received, filed, marked exhibit "A", and made a part of the

(6).

record in this case.

Certified copy of the marriage license of G. A. Martin and Lucy L. Raislip presented by applicant, received, filed, marked exhibit "B", and made a part of the record in this case.

Reasonable time will be allowed this applicant in order to file other documentary evidence in support of his application and the application he makes for his children.

- Q Do you speak the Choctaw language? A No sir.
Q Or understand it in any way? A No sir.
Q Is there anything further you want to say? A No sir, I believe not.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium dark complexion, gray eyes, brown hair. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on October 18, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 21 day of November, 1901.

Charles Mitchell

Notary Public.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.P. 3782

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

Green A. Martin,

Whitemound, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Alleup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3765
Isaac B. Allen, et. al.,	M C R 3644
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3773
Alfred J. Roberson,	M C R 3808
Elizabeth I. McMahan, et. al.,	M C R 3774
John A. Waldrop,	M C R 3847
Achillis A. Waldrop,	M C R 3848
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3845
Dixon G. Spurlin,	M C R 3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma L. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

J. M. L.

Acting Chairman.

Registered.

M.C.R. 3762

COPY.

Muskogee, Indian Territory, March 24, 1903.

Green A. Martin,

Whiteman, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

Tamm D.

Chairman.

For Identification as a Mississippi Choctaw.

Date

OCT 18 1901

Name *Gunn A. Martin*

Age *46*

Blood *don't know*

Post Office, *White Mound, Texas.*

Father: *Augustus Martin, d*

Mother: *Marj F. " d*

Claims through *Mother* -
wife, Lucy L. " w.
No claim for wife,

Children:

<i>Ray A. Martin</i>	<i>14</i>
<i>Ernest C. "</i>	<i>12</i>
<i>Lee J. Lee " (girl</i>	<i>8</i>
<i>Stella L. " (")</i>	<i>6</i>
<i>Carl H. "</i>	<i>1</i>

Claim for self &
Children -

Stenographer *Hal. Buford*

Choctaw MCR 3783

Fannie E. Hall

See MCR 3772

MCR 3783

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 18, 1901.

#3783.

In the matter of the application of Fannie E. Hall for the identification of herself and her five minor children as Mississippi Cheetaws.

Applicant not represented by Attorney.

Fannie E. Hall, being first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Fannie E. Hall.
Q Fannie E. what? A E. Hall---H-a-l-l .
Q What is your age? A Thirty-nine.
Q Thirty-nine? A Yes sir.
Q What is your post office address? A Lucella, Texas.
Q How do you spell that? A L-u-c-e-l-l-a .
Q How long have you lived at Lucella? A I have lived there about thirty years.
Q Thirty years? A Yes sir.
Q Where were you born? A Born in Louisiana.
Q Where? A In Bossier Parish.
Q How old were you when you left that state? A I was five years old.
Q Where did you go? A I come to Texas.
Q And have lived there ever since? A Yes sir.
Q What is your father's name? A Augustus Martin.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary F. Martin.
Q Is she dead? A Yes sir.
Q Through which parent do you claim Cheetaw blood? A My mother.
Q How much Cheetaw blood do you claim through her? A Well, I don't know.
Q Has your mother ever been recognized in any way or enrolled as a

(2).

member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I know of.

- Q Have you proof of the marriage of your father and mother? A No sir, we havn't it.
- Q Do you think you could produce it if given time? A Yes sir.
- Q Do you know when and where they were married? A They were married in Louisiana.
- Q In what County? A Why, they was married there in Bossier Parish.
- Q But you don't know the date? A No, only the year.
- Q You don't know whether they were married under a license by a minister or how? A Yes sir, I am certain they was married by a minister. I have heard my father say so.
- Q Reasonable time will be given you in which to introduce evidence to prove the marriage. You claim all your Choctaw blood through your mother? A Yes sir.
- Q None through your father? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A James H. Hall.
- Q Is he a whiteman or an Indian? A He's a white man.
- Q Do you make any claim for him? A No.
- Q How many children have you that you want to make application for? A Five.
- Q Under twenty-one years of age and unmarried? A Five.
- Q What is the name of the oldest? A James A.
- Q James A. Hall? A Yes sir.
- Q How old is James? A Seventeen
- Q How? A Seventeen.
- Q What is the name of the next? A Joe----Joe D. Hall.
- Q Joseph, is it? A Yes sir.
- Q How old? A He's fifteen.
- Q The next? A Martha Vernon----Martha V.
- Q How old? A Thirteen.
- Q Next? A Mary M.----eleven.
- Q Next? A Floyd B.
- Q Floyd B.? A Yes sir.
- Q How old? A Nine.
- Q What is the name of the married one? A Annie.
- Q That is a girl? A Well, Annie Francis.
- Q How what is her married name? A Well, Francis is the married name.
- Q Annie married Francis. What is her husband's full name? A Henry Francis.
- Q Is James H. Hall the father of these children? A Yes sir.
- Q When and where were you married to him? A I was married in Texas, Grayson County.
- Q When? A '81.
- Q What day of the month? A 10th day of July.
- Q The children are all living with you at your home, are they? A Yes sir.
- Q You claim for yourself and these children? A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself or children to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Na-

- tion to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for yourself or children either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the purpose of the identification of your children as Mississippi Choctaws under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you know anything about that treaty---that article of that treaty---what it means? A No not in full.
- Q Do you know anything about article fourteen? A No sir.
- Q You know what a treaty is, don't you? A Yes, I know what it was for.
- Q What was it for? A Well, I knew it was for the benefit of those Five Tribes of Civilized Indians.
- Q Of those five tribes---only just one tribe. A Well, one tribe.
- Q That is, the Mississippi Choctaws. It has nothing to do with the other four tribes in the Territory. It was made in Mississippi in 1830, and was made between the Government of the United States and the Choctaw Indians who lived then in the old Choctaw Nation in Mississippi and in just a slight portion of Alabama along the western boundary line. It was made for the purpose of removing all of the Choctaw Indians who lived in Mississippi and Alabama from the old Choctaw Nation to the new Choctaw Nation Indian Territory, but before the treaty was signed it became apparent that a great many Choctaw Indians wouldn't come here to the Choctaw Nation, Indian Territory, and so in order to protect their interests something had to be put into the treaty so it never would have been signed, and article fourteen was drafted, it was satisfactory to all of the Choctaws, those who stayed and those who came away, and it was therefore adopted as a part of the treaty. Now article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of

(4).

Chectaw citizen, but if they ever remove are not to be entitled to any portion of the Chectaw Annuity."

- Q Do you think you claim under that article of that treaty? A Yes sir.
- Q Do you understand it? A Well I----yes, I do.
- Q Well, you understand clearly enough now, don't you to claim under it? A Yes, I think so.
- Q Did any of your Chectaw ancestors, now after you have had this explained to you and as you say you understand it----did any of them ever comply or attempt to comply with the provisions of this article as I have read it to you? A We don't know.
- Q You don't know about that? A No sir.
- Q Were any of your Chectaw ancestors living in the old Chectaw Nation in Mississippi or Alabama in the year 1830, when this treaty of Dancing Rabbit Creek was made? A I don't know that.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Chectaw? A Green Allen.
- Q No. A My mother, Mary F.
- Q Well, you have to go back further. Go back as far as you can? A My great-grandfather, William Allen.
- Q You claim through William Allen, do you? A Yes sir.
- Q How much Chectaw blood did he have? A I don't know.
- Q When and where was he born? A I do not know.
- Q When and where did he die? A I don't know.
- Q Where did he live all his life? A I don't know that.
- Q Did he live in Mississippi? A I don't know.
- Q Did you ever hear that he did live in Mississippi? A No sir. If I did I don't remember it.
- Q Did his son, Green Allen ever live in Mississippi? A I don't know that either.
- Q Where was he born----Green Allen? A I don't know sir.
- Q Where did he die? A He died in Louisiana.
- Q How long did he live in Louisiana before he died? A I don't know
- Q His daughter's name was what? A Mary.
- Q She was your mother? A Yes sir.
- Q Did she ever live in Mississippi or Louisiana? A They lived in Louisiana.
- Q Did she ever live in Alabama? A I don't know sir.
- Q She is dead now? A Yes sir.
- Q When did she die? A She died in '76.
- Q How old was she when she died? A Forty-two years.
- Q You don't know where she was born? A Sir?
- Q You don't know what place she was born? A No sir, I don't.
- Q Well now, then, how do you know that you're a Mississippi Chectaw? A Well, I know it from what my uncle tells me.
- Q What did he tell you? A He says that his grandfather was a Mississippi Chectaw.
- Q Who was his grandfather? A William Allen.
- Q Well now, what did he mean when he said he was a Mississippi Chectaw? A When he said he was a Mississippi Chectaw?
- Q Yes. Did he mean that he lived in Mississippi? A I don't know whether he did or not.
- Q Well, he would have to live in Mississippi to be a Mississippi Chectaw. Didn't he ever say he lived in Mississippi? A I never asked him----never heard him say.
- Q Well, then, when he said he was a Mississippi Chectaw you didn't know that he lived in Mississippi----was a Chectaw Indian and lived in Mississippi? A He just said he was a Mississippi Chee-

(5).

taw----had Mississippi Choctaw blood in him.

- Q Well, where did he get that Mississippi Choctaw blood. He must have got it from some Mississippi Indians or he himself was a Mississippi Indian. A Well, we don't know that.
- Q You don't think you could prove that if you were given time? A Well, we might, yes.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830, or any time before that? A Not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to live in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors claim or own any land in Mississippi under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of them claim or own any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Do you know what a supplement of a treaty is? A I don't know as I do.
- Q The treaty is the main portion of the agreement or contract between the Nations, and as I have said before, it is made up of articles numbered from one up to as many as there are articles in it, and is signed by the representatives of each nation. A supplement is something that is added to the treaty at the end of it, and is usually made up also of articles numbered up from one to as many as it has. And this supplement is also signed in the same formal manner by the representatives of both Nations. There was such a supplement to the treaty of 1830. You don't know whether any of your ancestors claimed under that or not? A No sir.
- Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the United States Indian Agent, Colonel Ward, who lived in Mississippi in 1830, was instructed by the United States Government to make a list of the names of all Mississippi Choctaw Indians who came to him within six months from the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there. This Indian Agent failed to register the names of most of the Indians who did come before him, so that his list, called Ward's Register contains the names of but a few people who actually went before him within the time limited in article fourteen. This neglect of his caused a great many Indians who lived in Mississippi to lose their land in Mississippi and all the improvements upon that land. It was taken by the Government and sold at its public land sales. This caused a great deal of distress among the Indians, and a great many complaints, so that in 1837 by Act of Congress approved March 3rd of that year a Commission was appointed by Congress which Commission went to the State of Mississippi, and heard claimants under article fourteen of the treaty of 1830 and made a list of the names of all successful claimants. In 1842 another Commission was appointed by Act of Congress and this Commission also went to Mississippi and made a list of successful claimants. Do you know whether the names of any of your ancestors appeared upon either of these lists, that of 1837 or the

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Commission's list of 1842, claiming benefits under article thirteen of that treaty? A No sir.

Q The Act of Congress approved August 22, 1842 provided that in case it should be finally determined that a Choctaw had proved his claim before that Commission, and if it also appeared that he had previously had his land taken from him by the Government, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that he should receive a certificate or as they called it scrip to that effect. Did any of your Choctaw ancestors receive any such scrip from the Government of the United States as Choctaw Indians? A Not that I knew of.

Q Have you any documentary evidence that you want to introduce? A No sir.

Q You have this haven't you? A Just that.

Q Do you want to put this in? A Yes.

The application of Fannie E. Hall presented by her, received, filed, marked exhibit "A", and made a part of the record in this case.

Q Have you any other documentary evidence that you want to present? A No sir.

Reasonable time will be allowed this applicant in which to present other documentary evidence proper to be submitted in support of her claim and the claim she makes in behalf of her children. Also proof of the marriage of her father and mother.

Q How much Choctaw can you talk? A None at all.

Q Not any? A No sir.

The following persons have made application for identification as Mississippi Choctaws before the Commission to the Five Civilized Tribes: Joseph T. Spurlin? A Uncle.

Simon S. Spurlin? A Cousin.

John A. Waldrop? A Cousin.

Achilles A. Waldrop? A Yes, he's a third cousin.

Walt Holloway? A Nephew.

Nary E. Mc Garity? A Niece.

Linda B. Dodson? A Cousin.

Fredie B. Wooten? A Yes sir, she's a cousin.

Callie Watts, Eliza Holloway, Mary M. Waldrop, Elizabeth I. McManis, Louisiana A. Holloway, Green A. Martin, These are all relatives of yours? A Yes sir.

Q And claim through the same common ancestor, William Allen? A Yes sir.

Q Do you want to have their testimony and the records in their cases

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referred to when yours is examined that you may get the benefit of what they have sworn to? A. Yes sir.

This applicant has the appearance and physical characteristics of being descended from White parentage: medium dark complexion, black eyes and hair. She does not speak the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October, 18, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 21 day of November, 1901.

Clara Mitchell Wood
Notary Public.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3783

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

Fannie E. Hall,

Luella, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3784
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3785
Isaac B. Allen, et. al.,	M C R 3844
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3773
Alfred J. Roberson,	M C R 3808
Elizabeth I. McMahan, et. al.,	M C R 3774
John A. Waldrop,	M C R 3847
Achilles A. Waldrop,	M C R 3848
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3845
Dixon G. Spurlin,	M C R 3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CONFIDENTIAL

W. B. G. G. G.
Acting Chairman.

Registered.

Waskogie, Indian Territory, March 24, 1903.

Fannie H. Hall,

Emella, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED).

Fame Bixby.
Chairman.

No. 3783

For Identification as a Mississippi Choctaw.

Date OCT 18 1901

Name Fannie E. Hall.

Age 39 Blood doubly known.

Post Office, Luella, Texas.

Father: Augustus Morten, Jr.

Mother: Mary F. " " d

Claims through, Morten D.
Husband, James H. Hall. w.

No claim for husband.

Children:

James A. Hall, 17

Joseph D. " 15

Martha V " 13

Mary W. " "

Floyd B. " 9

Claims for self &
children

Stenographer Hal Belford.

Choctaw MCR 3784

Mary E. Franklin

See MCR 3772

MCR 3784

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 18, 1901.

#3784.

In the matter of the application of Mary E. Franklin
for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Mary E. Franklin, being first duly sworn, upon her
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Franklin.
Q Y-r-a-n-k-l-i-n? A Yes sir.
Q What is your age? A Seventeen.
Q What is your post office address? A Whitewater, Texas, Grayson
County.
Q How long have you lived at Whitewater? A I have lived there all
my life.
Q Born there were you? A Yes sir.
Q What is your father's name? A Green A. Martin.
Q Is he living? A Yes sir.
Q What is your mother's name? A Lucy L. Martin.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians by either the Choctaw
Tribal Authorities or the United States Authorities in the Indian
Territory? A No sir, not that I know of.
Q When and where were your father and mother married? A They was
married in the Indian Territory.
Q Indian Territory---when? A Fourteenth of September, '82.
Q Have you their marriage license and certificate or any proof of
their marriage? A No, except what they had awhile ago.

(2).

- Q Well, that was for them. The certificate of the marriage between your father and mother was filed in his case was it? A Yes sir.
- Q And you want a certified copy too, put in your case of the license in support of the testimony you give. A Yes sir.
- Q You claim your Choctaw blood wholly through your father? A Yes sir.
- Q Your mother was a white woman? A Yes sir.
- Q Having no Choctaw blood? A No sir.
- Q How old is your father, Green A. Martin? A Forty-six.
- Q Where was he born? A In Louisiana.
- Q When, do you know? A No sir, I don't know.
- Q He claims through which parent----father or mother? A Mother.
- Q What was her name----her maiden name? A Mary Allen before she married. Married a Martin.
- Q How much Choctaw blood did she have, do you know? A No sir, I don't know.
- Q Through which parent did she claim her Choctaw blood----her father or mother? A Father.
- Q What was his name? A Green Allen.
- Q When and where was he born? A I don't know.
- Q When and where did he die? A I don't know.
- Q Did he ever live in Mississippi or Alabama? A I don't know.
- Q What was his father's name? A William Allen.
- Q Was he a Choctaw or did he have Choctaw blood? A They said he did, I don't know.
- Q You claim it through him, do you? A Yes sir.
- Q Did he ever live in Mississippi? A Not that I know of.
- Q Didn't you ever hear anybody say in the family that he lived in Mississippi? A No sir.
- Q When and where was he born? A I don't know.
- Q Do you know when and where he died? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A James E. Franklin.
- Q Now is he a Choctaw Indian? A No sir, he's white.
- Q Do you make any claim for him? A No sir.
- Q Have you children that you want to make application for? A No sir.
- Q You just claim for yourself? A Yes sir.
- Q When and where were you married to your husband? A We was married at Howe, the 17th of March, 1901.
- Q Married last March? A Yes sir.
- Q Married by a minister under a license? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities, or anyone for you? A No sir.
- Q Did you ever make application or anyone for you for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made either to the Choctaw Tribal Authorities or to the United States Authorities for citizenship in the Choctaw Nation? A Yes sir.

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- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw, claiming interests and lands in the Choctaw Nation Indian Territory, under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Not fully.
- Q Do you want it explained further? A Yes sir.
- Q You know what a treaty is, I suppose? A Yes sir.
- Q In 1830 the treaty of Dancing Rabbit Creek was made between the Choctaw Tribe of Indians and the United States Government. The Choctaw Tribe of Indians occupied a territory partly in the State of Mississippi and partly in Alabama along the western boundary line at that time, and the object of this treaty was to remove them from that old Choctaw Nation to the new Choctaw Nation here in the Indian Territory. It was new then, seventy-one years ago. The object of this removal was to give the Indians a better chance to live unmolested by the white people. They had no rights in Mississippi or Alabama. The State and the people of the state encroached upon those rights and the object of the Government was to give them a Tribal Government and Tribal Laws in the new Choctaw Nation, Indian Territory, where they would be undisturbed by white people or anyone else. But it became evident before the treaty was signed that a great many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and so article fourteen was put into the treaty in order to protect their interests. Article fourteen of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

- Q Do you understand that article as I have explained it to you? A Yes sir, better than I did.
- Q Do you understand it do you think well enough to claim intelligently under it? A Yes sir.
- Q Did any of your Choctaw ancestors to your knowledge, after having had this read and explained, ever comply or attempt to comply with any of the provisions of that article? A No sir.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830, when the treaty of

(4).

- Dancing Rabbit Creek was made? A Not that I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever claim any benefits or claim any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors ever go to the United States Indian Agent within six months after the ratification of the treaty of Dancing Rabbit Creek and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of them ever go from Mississippi or Alabama to the Choctaw Nation Indian Territory, with the other Indians between 1837 and 1838? A I don't know.
- Q In accordance with the provisions of article fourteen of the treaty of 1830, Colonel Ward, who was the United States Indian Agent living in Mississippi at that time, was instructed by the United States Government to make a list of the names of all Choctaw Indians who went before him within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States. This agent failed to record the names of the greater number of Choctaw Indians who did make that declaration to him within the time limited in article fourteen of the treaty of 1830. On account of his neglect to properly record the names of all applicants who came before him a great many Choctaw Indians who held land in Mississippi upon which they had improvements had that land taken from them and it was sold by the Government with improvements at its public land sales. This caused a great deal of distress among the Indians and also a great many complaints and in 1837, by Act of Congress of March 3rd of that year, a Commission was appointed which Commission went to the State of Mississippi and heard claimants under article fourteen and made lists of the names of all successful claimants who appeared before it. In 1842 another commission was appointed by Congress for the same purpose and they made a list of the names of all successful Choctaw claimants. Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of 1830? A Not that I know of.
- Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant Government land, and that a certificate should be given him to that effect. These certificates were called scrip. Did any of your Choctaw ancestors get any such scrip from the Government of the United States as Choctaw Indians? A I don't know.
- Q How much Choctaw do you speak? A Not any.
- Q Have you had any relatives who have appeared before this Commission for identification as Mississippi Choctaws? A Yes sir.
- Q Joseph T. Spurlin? A Cousin.
- Q Isaac B. Allen? A Uncle.
- Q Dixon G. Spurlin? A Cousin.

(5).

- Q John A. Waldrop? A Cousin.
Q Achilles A. Waldrop? A Cousin.
Q Emmet Holloway? A Uncle.
Q Mary E. McCurdy? A Cousin.
Q Linna B. Dodson? A Cousin.
Q Prudie E. Wooten? A Cousin.
Q Sallie Watts? A Cousin.
Q Eliza Holloway? A Cousin.
Q Mary E. Waldrop? A Aunt.
Q Elizabeth I. McMahon? A Cousin.
Q Louisiana A. Holloway? A Aunt.
Q Green A. Martin? A Father.
Q Fannie E. Hall? A Aunt.
Q Now these people have all appeared before the Commission for identification as Mississippi Choctaws and all claim through the same ancestor through whom you claim? A Yes sir.
Q William Allen---do you want their testimony referred to and the records in their cases considered with yours in order that you may get the benefit of their testimony? A Yes sir.
Q Is there anything else you want to say in support of this claim? A No sir.
Q Have you any documentary evidence you wish to introduce in support of your application? A This is all.

The petition of Mary E. Franklin presented by applicant, received, filed, marked exhibit "A" and made a part of the record in this case..

Q This applicant has the appearance and physical characteristic of being descended from White parentage. She has dark brown eyes, medium dark complexion, dark brown hair. Does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 18, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 21st day of November, 1901.

Clara Mitchell
Notary Public

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3784

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Mary E. Franklin,

Whitemound, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3780
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3784
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3785
Isaac B. Allen, et. al.,	M	C	R	3844
Clara P. Duke, et. al.,	M	C	R	3825
John G. Allen, et. al.,	M	C	R	3828
Charlie A. Allen, et. al.,	M	C	R	3824
James T. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3827
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3808
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3847
Achilles A. Waldrop,	M	C	R	3848
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3845
Dixon G. Spurlin,	M	C	R	3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bummer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bummer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee De Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burrace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 3784

COPY.

Muskogee, Indian Territory, March 24, 1903.

Mary E. Franklin,
Whitemound, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

Tamc P.
Chairman.

No. 3784

For Identification as a Mississippi Choctaw.

Date

OCT 18, 1901

Name

Mary E. Franklin.

Age

17 -

Blood don't know.

Post Office,

White Mound, Texas.

Father: Green A. Martin, l.

Mother: Lucy L. Martin, l.

Claims through

husband father -

James E. Franklin, w.

No claim for husband

~~James~~

Claims for self
alone -

Stenographer

Kal Breford

Choctaw MCR 3785

Kate O. Watts

See MCR 3772

MCR 3785

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 10, 1901.

#8785.

In the matter of the application of Kate C. Watts for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Kate C. Watts, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is the name? A Kate C. Watts.
Q What is your age? A Eighteen.
Q What is your post office address? A Howe, Texas.
Q Howe? A Yes sir.
Q Texas? A Yes sir.
Q How long have you lived at Howe? A I have lived there all my
life---close to there.
Q Born there? A Yes sir.
Q What is your father's name. A George W. Holloway.
Q He appeared to-day for identification before the Commission did
he? A No sir.
Q Yesterday? A He hasn't been here at all. He's dead.
Q What is your mother's name? A Louisiana A. Holloway.
Q She is living? A Yes sir, she's here.
Q You claim through which parent---father or mother? A Mother.
Q How much Choctaw blood do you claim? A I don't know.
Q When and where were your father and mother married? A I don't
know.
Q Have you their marriage license and certificate with you to file
now---or have you proof of their marriage? A No sir.

(2).

Reasonable time will be allowed this applicant in which to file proof of the marriage between her father and mother.

- Q Has your mother ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians, by either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Tom M. Watts.
- Q What's that? A Tom M.
- Q Is he an Indian? A No sir, he's white.
- Q Do you make any claim for him? A No sir.
- Q Have you any children that you want to make application for under twenty-one years of age and unmarried? A No sir, haven't any at all.
- Q Claim for yourself? A Yes sir.
- Q You claim through your mother? A Yes sir.
- Q How old is your mother? A Forty-eight.
- Q When and where was she born? A Where was she born----what place? A In Louisiana.
- Q Louisiana? A Yes.
- Q Do you remember what place in Louisiana? A I don't know.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Did you ever before this time make application for citizenship in the Choctaw Nation to any authority----either the Choctaw Tribal authorities or the United States authorities? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw, claiming an interest in the lands in the Choctaw Nation Indian territory under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand article fourteen of the treaty of 1830? Do you understand that article of that treaty or any part of it? A Yes sir, I understand it tolerably well.
- Q Now what makes you understand it? Because you have heard it read a great many times? A Yes sir.
- Q How many times do you think you have heard it read and explained this after noon? A About three times----four times.
- Q Three or four times----now do you want to have it read again? I will read it to you if you like----if you think it's necessary. If you would like to have it explained further I will explain it but if you think you understand it well enough you can waive that explanation and reading. A Well, I don't know. I guess you better read it.
- Q The treaty of 1830 was entered into between the Choctaw Indians, who at that time were living in the old Choctaw Nation. That old Choctaw Nation was partly in the State of Mississippi and partly in the State of Alabama, and this treaty was made September 27,

(3).

1830, at a place called Dancing Rabbit Creek in Mississippi. The object of the treaty was the removal of all of the Choctaw Indians who lived in the old Choctaw Nation from that Nation to the New Choctaw Nation Indian Territory. But while they were discussing the treaty at Dancing Rabbit Creek it was discovered that a great many Choctaw Indians wouldn't go to the Choctaw Nation Indian Territory, under any circumstances, and so, in order to protect their interest and their rights, article fourteen was drafted, and it was submitted to both nations and found to be satisfactory to the Choctaws who remained and the Choctaws who intended to go and so became incorporated as article fourteen of that treaty of 1830. Now article fourteen of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

- Q Now do you understand that do you think? A Yes sir, I understand it.
- Q As you understand it from having heard it read and explained can you say whether or not any of your Choctaw ancestors ever complied or attempted to comply with any of its provisions? A No sir, I can't.
- Q What is the name of your ancestor who lived in Mississippi, if you know, and through whom you claim your right to be identified as a Mississippi Choctaw? A I claim my right through my mother.
- Q Your mother claims her right to be identified through whom? Through her father or mother? A Her mother.
- Q What was her mother's name? A Mary Martin.
- Q What was her maiden name? A Allen.
- Q Mary Allen---what was her father's name? A Green Allen.
- Q Was he a Choctaw or did he have Choctaw blood---Green Allen? A They say he did.
- Q Who told you that Green Allen had Choctaw blood? Who did you ever hear in the family say that Green Allen had Choctaw blood? Anyone that you can recollect? A Well---
- Q Did you ever hear your father say so, or your mother say so, or your uncle say so, or any of your kin? A I heard Mamma say she heard he did? I don't know.

(3). 1/2.

- Q Then you heard it through your mother. You heard your mother say that her grandfather, Green Allen, had Choctaw blood? A Yes sir.
- Q Did you ever hear how much Choctaw blood he had? A No sir.
- Q What was his father's name? A William Allen.
- Q How much Choctaw blood did William Allen have, did you ever hear? A I don't know.
- Q Did he ever live in Mississippi? A I don't know.
- Q Did Green Allen ever live in Mississippi? A I don't know.
- Q Where was Green Allen born? A I don't know.
- Q Or when? A I don't know.
- Q When and where did he die? A I don't know that.
- Q His father William Allen, where was he born? A I don't know sir.
- Q Don't you know where he died? A No sir.
- Q Or when? A No sir.
- Q Do you think you would be able to show that you are descended from a Mississippi Choctaw Indian, or a person who had Choctaw Indian blood, and that he lived in the State of Mississippi, and that he took advantage of article fourteen of the treaty of 1830, if you were given time to file such testimony? Do you think you could show that? A I don't know.
- Q You think you will try, don't you? A Yes sir.
- Q Have you any documentary evidence you want to present now to the Commission? Any papers? A Yes sir.

Application of this applicant presented by her, received filed, marked exhibit "A", and made a part of the record in this case.

Reasonable time is allowed this applicant in which to file other documentary evidence or other evidence of any proper character that she may desire in support of the application which she makes for herself. Also to file proof of the marriage of her father and mother.

- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors ever go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A Not as I know of.
- Q Did they ever claim or receive any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did they ever, any of them, within six months after the ratification of the treaty of 1830 go to the United States Indian Agent whose name was Colonel Ward and tell him that they intended to stay in Mississippi and take land there and become citizens of

(4).

the United States? A I don't know that?

- Q In accordance with the provisions of article fourteen of the treaty of 1830, Colonel Ward, who lived in Mississippi at that time was instructed to make a list of the names of all Choctaw Indians who came before him within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States. Colonel Ward neglected to do this. His register known as Ward's Register, contains the names of only a very few of the total number of Indians who came before him within the time limited by article fourteen of that treaty of 1830 and made their declarations of intention to stay in Mississippi and take land there. This neglect on the part of the United States Indian Agent caused the land to be taken from a great many Choctaw Indians who were occupying land in Mississippi and the Government sold both the land and the improvements which they had upon it. This led to a great many complaints among the Indians and as a result of these complaints a Commission was appointed by Congress by an Act approved March 3, 1837, which Commission went to the State of Mississippi and heard all Choctaw Indian Claimants under article fourteen and made a list of the names of all those who proved their claims. In 1842 another Commission was appointed by Congress for the same purpose and this commission made also a list of all the names of successful claimants who claimed under article fourteen of the treaty of Dancing Rabbit Creek. Did any of your Choctaw ancestors go before the Commission either of 1837 or the Commission of 1842 and claim benefits under article fourteen of that treaty? A I don't know.
- Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that any claimant had proven his claim before that Commission, if it also appeared that his land had been taken from him previously, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, which land was to be taken from vacant Government land, and that he should receive a certificate to that effect. This certificate was called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know.
- Q The following people have made application for identification as Mississippi Choctaws before the Commission all of whom claim through the same common ancestor, William Allen, the same one through whom you claim. Isaac B. Allen, Joseph T. Spurlin, Dixon G. Spurlin, John A. Waldrop, Achilles A. Waldrop, Emet Holloway Mary E. McCurdy, Linna B. Dodson, Prudie E. Wooten, Sallie Watts Eliza Holloway, Mary M. Waldrop, Elizabeth I. McMahan, Louisiana A. Holloway, Green A. Martin, Fannie E. Hall, Mary E. Franklin. These are all related to you? A Yes sir.
- Q And claim through the same common ancestor with you? A Yes sir.
- Q Do you want to have their testimony and the records in their cases considered with yours when yours is taken up for consideration, in order that you may get the benefit of what they have testified to? A Yes sir.
- Q Have you any other documentary evidence other than what you have already filed? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Or understand it? A No sir.
- Q Is there anything more you want to say in support of your application? A No sir.

This applicant has the appearance and physical characteristics of being descended from White parentage: blue eyes, light

(91)

complexion, light hair. She does not understand the Ojibwa language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 12, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 21 day of November, 1901.

Charles Mitchell
Notary Public.

COMMISSIONERS:
HENRY L. DAVES,
TAMS BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.O.R. 3785

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

Kate O. Watts,

Nowa, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3790
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3644
Clara P. Duke, et. al.,	M	C	R	3825
John G. Allen, et. al.,	M	C	R	3826
Charlie A. Allen, et. al.,	M	C	R	3824
James F. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3827
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3808
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3637
Achillis A. Waldrop,	M	C	R	3648
Prudie E. Wooten, et. al.,	M	C	R	3775
Joseph T. Spurlin, et. al.,	M	C	R	3645
Dixon G. Spurlin,	M	C	R	3646

These applications were made under the provision of the Act of Congress of June 28, 1898. (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ila Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

No. 3785

For Identification as a Mississippi Choctaw.

Date

OCT 18 1901

Name

Kate O. ~~Watts~~

Age

18

WATTS

Blood

Don't know.

Post Office,

Keowe, Texas.

Father:

George W. Holloway, d

Mother:

Louiana A. " l

Claims through

10 second Mother

Tom M. Watts, w.

No claim for husband.

~~XXXXX~~

Claims for self
alone

Stenographer

Ed Delford

M.C.R. 3765

COPY.

Muskogee, Indian Territory, March 24, 1903.

Kate O. Watts,

Howe, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

Tame Bickley

Chairman.

Choctaw MCR 3786

Mary L. Allsup

See MCR 3772

MCR 3786

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 19, 1901.

3726

In the matter of the application for identification as Mississippi Choctaws of Mary L. Allsup and her minor child Bamber E. Allsup.

Applicant not represented by attorney.

Mary L. Allsup being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary L. Allsup.
Q How do you spell that last name? A A-l-l-s-u-p.
Q What is your age? A Twenty-two. (22)
Q What is your post-office address? A Luella, Texas.
Q How long have you lived there? A All my life.
Q Born there? A Yes sir.
Q What is your father's name? A George W. Holloway.
Q Is he living? A No he is dead.
Q What is your mother's name? A Louisiana A. Holloway.
Q She was before the Commission yesterday for identification? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A I don't know sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q When and where were your father and mother married? A Grayson County, Texas.
Q When? A In 1871.
Q You know the day of the month? A No sir.
Q Were they married by a minister and under a license? A Yes the 17th day of August.
Q Have you their marriage license and certificate with you? A No sir.

A reasonable time will be allowed this applicant in which to file documentary evidence of the marriage of her father and mother.

- Q Your father's nationality was what? A He is a white man.
Q And you claim your Choctaw blood through your mother? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Lee Crawford Allsup.
Q He is a white man? A Yes sir.
Q You make any claim for him? A No sir.
Q Have you any children you want to make application for? A Yes one.
Q What is that child's name? A B-a-m-b-e-r E.
Q How do you spell that? A B-a-m-b-e-r.
Q How old is she? A Nine months old.
Q Is that all the children you have? A Yes sir.
Q When and where were you married to your husband? A March 18th 1900.
Q By a minister? A Yes sir.

#2

- Q Under a license? A Yes sir.
- Q What place? A Tombes, Texas.
- Q Is your name on any of the tribal rolls of the Choctaw Nation Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for admission to the Choctaw tribe of Indians as members, yourself and your child, to either the United States authorities or the Choctaw tribal authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying your self and your child as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand the article, article fourteen of that treaty? A No sir.

The treaty of Dancing Rabbit Creek or more commonly called the treaty of 1830 was entered into on the 27th day of September of that year at a place called Dancing Rabbit Creek in Mississippi between the United States government and the Choctaw tribe of Indians who at that time occupied a part of the State of Mississippi and a small portion of the State of Alabama along the western boundary. The object of the treaty was to secure the removal of all the Choctaws from the old Choctaw Nation in Mississippi and Alabama to the New Choctaw Nation Indian Territory. Before the treaty was signed it became evident that a great many Choctaws would not sign the treaty and in order to protect their interests article fourteen was made a part of the treaty. This article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article? A Yes sir.
- Q Now as you understand it after having had it read and explained do you know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.
- Q What was the name of your ancestor who you claim was a Choctaw Indian through whom you claim your right to be identified as a Mississippi Choctaw? My mother.

- Q But going back further? A William Allen.
 Q Is that as far back as you can go? A Yes sir.
 Q How much Choctaw blood did your mother have? A I don't know.
 Q Where was she born? A Louisiana.
 Q When? A I don't know.
 Q When did she leave the State of Louisiana? A I don't know.
 Q She went to Texas? A Yes sir.
 Q You know when? A No sir.
 Q Did she ever live in any other States than Louisiana or Texas?
 A No just those two.
 Q Through whom did she claim, father or mother? A Mother.
 Q What was her name? A Mary Martin. Mary Allen was her maiden name.
 Q And she married whom? A Augustus Martin.
 Q You know when and where she was born? A No.
 Q Where she died? A Texas.
 Q When? A About twenty-five years ago.
 Q How old was she when she died? A I don't know.
 Q Her father's name was what? A Green Allen.
 Q You know when and where he was born? A No sir.
 Q Did he ever live in Mississippi? A I don't know.
 Q What was his father's name? A William Allen.
 Q Did he ever live in Mississippi? A I don't know.
 Q You know where he died? A No.
 Q Or her? A No.
 Q Did he ever live in Mississippi? A I don't know.
 Q Did either of these two parties have any Choctaw names? A I don't know.
 Q Did either of them speak the Choctaw language? A I don't know.
 Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A I don't know.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
 Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Indian Territory between the years 1833 and 1838? A I don't know.
 Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I don't know.
 Q Did any of your Choctaw ancestors ever claim any land in Mississippi as Choctaw Indians or get any land under this article from the government as Choctaw Indians? A I don't know.
 Q Did they ever claim or receive any land under any other article than article fourteen of the treaty or under the supplement of that treaty? A No I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent in Mississippi was instructed by the government to make a list of the names of all Choctaw Indians who claimed benefits under article fourteen of the treaty of 1830 and who went to this Indian Agent within six months from the ratification of the treaty and told him that they wanted to stay in Mississippi and take land there. The agent failed to record the names of a great many Indians who did comply with the provisions of this article fourteen and this failure on his part caused many Indians who had land in Mississippi to lose both their land and the improvements they had on it. They were sold by the government at public land sales. This caused a great many complaints on the part of the Choctaw Indians and as a result in 1837 Congress appointed a Commission, which Commission went to the State of Mississippi and heard claims under ar-

fourteen and made lists of their names. In 1842 another Commission was appointed for the same purpose and they also went to Mississippi and made lists of successful claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions, that of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty? A No sir I do not.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him he should be entitled to select land from any of the public domain in the states of Mississippi, Louisiana, Arkansas or Alabama and that a certificate should be issued to him to that effect. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the government? A No sir, I don't know.

- Q Have you any documentary evidence that you want to introduce now? A Yes sir,

Petition of Mary L. Allsup presented by the applicant, received marked exhibit "A" filed and made a part of the record in this case.

- Q Have you any relatives who have appeared before the Commission here for identification? A Yes sir.
Q The names of applicants who have previously appeared before this Commission for identification as Mississippi Choctaws and who claim through William William Allen as the common ancestor are Isaac B. Allen, Joseph T. Spurlin, Dixon G. Spurlin, John A. Waldrop, Achilles A. Waldrop, Henry G. Martin, Emmett Holloway, Mary E. McFurdy, Linna B. Dodson, Pradie E. Vooten, Sallie Watts, Eliza Holloway, Mary E. Waldrop, Eliza I. McMahon, James A. Martin Louisiana A. Holloway, Green A. Martin Fannie E. Hall, Mary E. Franklin and Kate Q. Watts.
Q Do you want to have the testimony of these relatives referred to taken into consideration when your case is taken up by the Commission in order that you may get the benefit of what they have testified to? A Yes sir.

A reasonable time will be allowed this applicant in which to file additional testimony of any proper character if she desires to do so in support of her application.

- Q do you speak the Choctaw language or understand it? A No sir.
Q Is there anything further that you want to say in support of your claim? A No sir I guess not.

This applicant has the appearance and physical characteristics of being descended from white parentage, has gray eyes, medium dark complexion and light brown hair. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled case on October 14th 1901, and that the above and foregoing is a

COMMISSIONERS.

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.O.B. 3706

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 6, 1902.

Mary L. Allsup,

Luella, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3790
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3841
Clara P. Duke, et. al.,	M	C	R	3825
John G. Allen, et. al.,	M	C	R	3826
Charlie A. Allen, et. al.,	M	C	R	3824
James T. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3827
Linna B. Dodson,	M	C	R	3775
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3808
Elizabeth I. McMahan, et. al.,	M	C	R	3771
John A. Waldrop,	M	C	R	3847
Achilles A. Waldrop,	M	C	R	3848
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3845
Dixon G. Spurlin,	M	C	R	3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ella Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James H. Jones
Acting Chairman.

Registered.

M.C.R. 3786

Muskogee, Indian Territory, March 24, 1903.

Mary L. Allsup,

Luella, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(S-100)

Tams Bixby.

Chairman.

No. 3786

For Identification as a Mississippi Choctaw.

Date OCT 19 1901

Name Mary L. Allsup

Age 22 - Blood don't know.

Post Office, Luella, Texas,

Father: George W. Holloway, d.

Mother: Louisa A. Holloway, l.

Claims through mother
husband.

Lee C. Allsup, w.
No claim for husband.

Children:

Bammer C. Allsup, 9m

Claims for self
and child -

Stenographer

G. Rossmore

Choctaw MCR 3787

Annie L. Francis

See MCR 3772

MCR 3787

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 19, 1901.

3787

In the matter of the application of Annie L. Francis for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Annie L. Francis being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Annie L. Francis.
Q What is your age? A Nineteen
Q What is your post-office address? A Luella Texas.
Q How long have you lived at Luella? A All my life.
Q Born there? A Yes sir.
Q What is your father's name? A James M. Hall.
Q Is he living? A Yessir.
Q What is your mother's name? A Fannie E. Hall.
Q Is she living? A Yessir.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir.
Q When and where was your mother married? A In Texas.
Q What place in Texas? A I don't know.
Q You know when they were married? A In 1881 July 10th.
Q By a minister and under a license? A Yes sir.
Q Have you their marriage license and certificate or any other proof of their marriage? A No sir.

A reasonable time will be allowed you to furnish this proof.

- Q You claim your Choctaw blood through your mother? A Yessir.
Q Your father is a white man? A Yessir.
Q You mother claims through which parent, father or mother? A Mother.
Q What is her mother's name? A Mary F. Martin.
Q What was her maiden name? A Mary Allen.
Q Did she have any Choctaw blood? A I don't know sir.
Q You claim through her do you? A Yessir.
Q She must have had? A Yes sir.
Q Then you know she had? A Yes sir.
Q Through whom did she claim father or mother? A Father.
Q What was his name? A Green Allen.
Q Did Green Allen have any Choctaw blood? A I don't know.
Q What did they tell you in the family about that, did they ever say so in the family? A Yes they said so I reckon.
Q You are making this application to identified as a Choctaw Indian you must get Choctaw blood somewhere? A I get it from my mother.
Q But your mother gets it from her mother whose name was Mary Martin? A Yessir.

- Q And Mary Martin got her Choctaw blood from who? A Green Allen.
 Q What did your father and mother say about you having Choctaw blood? A They said I had Indian blood.
 Q Through which parent did Green Allen get his Choctaw blood? A His father.
 Q What was his father's name? A William Allen.
 Q How much Choctaw blood did William Allen have? A I don't know.
 Q Could he speak the Choctaw language? A I don't know.
 Q Did he ever live in Mississippi? A I don't know.
 Q Did you ever hear that either he or his son or any of his descendants lived in the State of Mississippi? A No sir.
 Q Are you married? A Yes sir.
 Q What is your husband's name? A Henry B. Francis.
 Q Is he a white man? A Yes sir.
 Q You make my claim for him? A No sir.
 Q Have you any children that you wish to make application for? A No sir.
 Q You claim for yourself alone? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
 Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of June 10, 1896? A No sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Did you ever make application before this time for citizenship as a Choctaw Indian in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? No sir.
 Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article of that treaty? A No sir.

Article fourteen of the treaty of 1830 was put into that treaty for the purpose of protecting the interests of Choctaw Indians who stayed in Mississippi right after the treaty of 1830 was made and who refused to go to the Choctaw Nation Indian Territory with the other Choctaw Indians. The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek was made between the United States and the Choctaw tribe of Indians who at that time lived in Mississippi and Alabama, the object of the treaty was to get the Choctaw Indians out of the old Choctaw Nation in Mississippi and Alabama and get them to come to the New Choctaw Nation Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory and for their benefit article fourteen was put in the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said

lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
- Q Now as you understand it, after having had it read and explained do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.
- Q Were any of your Choctaw ancestors living in Mississippi or Alabama in the old Choctaw Nation in 1830? A Not that I of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830 or any time before that? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the New Choctaw Nation Indian Territory between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go before the United States Indian Agent whose name was Colonel Ward and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi from the government under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of them claim or receive any land under any other article of that treaty than article fourteen or under the supplement of that treaty? A I don't know.
- Q You know what a supplement of a treaty is? A No.
- Q A treaty is a compact made in writing between two or more Nations and it is subdivided into several parts called articles or sections. A supplement is something added to that treaty afterwards and while it is made a part of the whole treaty it is also always subdivided into articles or sections and signed by representatives of the governments who are parties to the original treaty. There was such a supplement to the treaty of 1830.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government directed its agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and take advantage of the provisions of this article. The records of the government show that this agent failed to record the names of many Choctaws who really did signify their intention of remaining in Mississippi. On this account, in many instances, the land on which the Indians had improvements was taken away from them and sold by the government at its public land sales and the Choctaws were deprived of their land. This action of the part of the government led to many complaints, so that in 1837 a commission was appointed, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose and they also heard claimants under article fourteen. Both Commissions made lists of all Choctaw claimants whose claims were allowed by either Commission.

- Q Do you know whether any of your Choctaw ancestors ever went before either of these Commission that of 1837 or the Commission of 1842 and claimed rights under article fourteen of the treaty of 1830? A No sir.

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The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and that his land had been taken from him he should be entitled to select land elsewhere either in Mississippi, Louisiana, Alabama or Arkansas to be taken from vacant government land and that a certificate should be issued to him to that effect, these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any of this scrip from the government? A I don't know.
- Q Have you any documentary evidence that you want to introduce now?

The application of Annie L. Francis presented by this applicant received, marked exhibit "A" filed and made a part of the record in this case.

- Q Are you acquainted with Isaac B. Allen, Joseph T. Spurlin, Dixon G. Spurlin, John A. Waldrop, Achilles A. Waldrop, Henry G. Martin, Emmett Holloway, Mary E. McGurdy, Lina B. Dodson, Prudie E. Wooten, Sallie Watts, Eliza Holloway, Mary M. Waldrop, Eliza I. McMahon, James A. Martin, Louisiana A. Holloway, Green A. Martin, Fannie E. Hall, Mary E. Franklin, Kate O. Watts and Mary L. Allsup? A Yes sir.
- Q They all claim through the same common ancestor through whom you claim your right to be identified, William Allen? A Yes sir.
- Q Do you want their testimony taken into consideration with yours in order that you may get the benefit of what they have testified to? A Yes sir.

A reasonable time is allowed this applicant in which to file additional documentary evidence if she desires to do so.

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has brown hair and eyes, and medium dark complexion. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 19th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

Subscribed and sworn to before me this 30th day of November 1901.

G. Rosenwinkel

W. M. Mitchell
Notary Public.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3787

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

Annie L. Francis,

Laella, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3799
Robert Holloway,	M	C	R	3786
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3844
Clara P. Duke, et. al.,	M	C	R	3825
John G. Allen, et. al.,	M	C	R	3826
Charlie A. Allen, et. al.,	M	C	R	3824
James T. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3827
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3808
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3847
Achilis A. Waldrop,	M	C	R	3848
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3845
Dixon G. Spurlin,	M	C	R	3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ila Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

H.C.R. 3787

COPY

Washago, Indian Territory, March 24, 1903.

Annie L. Francis,

Enola, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holleway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED).

James Bixby.
Chairman.

No. 3787

For Identification as a Mississippi Choctaw.

OCT 19 1901

Date

Name Annie L. Francis

Age 19 — Blood don't know

Post Office, Luella, Texas

Father, James H. Hall, C.

Mother, Fannie E. " C.

Claims through mother

husband Henry B. Francis, W.

No claim for husband

~~none~~
Claims for self
alone —

Stenographer G. Rossmore

Choctaw MCR 3788

Robert Holloway

See MCR 3772

MCR 3788

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 19, 1901.

3788

In the matter of the application of Robert Holloway for identification as a Mississippi Choctaw.

No attorney for applicant.

Robert Holloway being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Robert Holloway.
Q What is your age? A Twenty two.
Q What is your post office address? A Howe Texas.
Q How long have you lived at Howe? A Ever since last January.
Q Where did you live before that? A Down there by Luella, Texas.
Q How long near Luella? A All my life.
Q Were you born there? A Yes sir.
Q What County is that? A Grayson.
Q What is your father's name? A John M. Holloway.
Q Is he living or dead? A Living.
Q What is your mother's name? A Eliza Holloway.
Q Is she living? A Yes sir.
Q You claim through which parent; father or mother? A Mother.
Q How much Choctaw blood do you claim through her? A I don't know sir.
Q When and where were your father and mother married? A I don't know.
Q Were they married by a minister and under a license? A Yes sir.
Q Have you their marriage license or certificate or proof of their marriage with you? A No sir.

Reasonable time will be allowed this applicant in which to produce evidence of the marriage of his father and mother.

- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
Q Are you married? A No sir.
Q Claim for yourself alone, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.

Q Have you ever made application to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.

Q Have you ever before this time made application for enrollment as a Choctaw Indian in the Choctaw Nation either the Choctaw tribal authorities or the United States authorities? A No sir.

Q Do you now appear before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

Q You don't understand it? A Not fully.

Q How many times have you heard it read and explained? A Several times.

Q Don't you begin to get a sort of a faint idea of it? A Yes sir.

Q Want it further explained? A Yes sir; I would like to.

The treaty of 1830 was entered into between Choctaw Indians who lived in Mississippi and Alabama and the United States Government the object of that treaty was the removal of all the Choctaw Indians who lived in the old Choctaw Nation to the new Choctaw Nation in Indian Territory. Before the Treaty was signed it became apparent that a great many Choctaws wouldn't come to the Choctaw Nation, Indian Territory and in order to protect their interests article fourteen was put into the treaty: article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with them over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that, do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when the Treaty of Dancing Rabbit Creek was made? A I don't know.

Q What is the name of your ancestor who lived in Mississippi in 1830? A Greene Allen.

Q You don't claim through Greene Allen, do you? A Through my mother.

Q Do you go back any farther than Greene Allen? A William Allen.

Q What relation was William Allen to you? (No answer.)

Q You claim through your mother? A Yes sir.

Q She claims through which parent? A Her mother.

Q Your grandmother? A Yes sir.
 Q She claimed through which parent? A Father.
 Q That's your great grandfather? A Yes sir.
 Q What was his name? A Greene Allen.
 Q His father's name was what? A William Allen.
 Q He is your great great grandfather? A Yes sir.
 Q How much Choctaw blood did he have? A I don't know.
 Q How much did Greene Allen have? A I don't know.
 Q How much Choctaw blood did his daughter, your grandmother, have?
 A I don't know.
 Q How do you know that William Allen had any Choctaw blood at all?
 A Well, my uncle told me.
 Q What uncle was that? A Isaac B. Allen.
 Q He has made application here has he? A Yes sir.
 Q Do you know you have Choctaw blood from any other source than
 what Isaac B. Allen told you? A No sir.
 Q Did your mother ever tell you? A Yes sir.
 Q What did you hear her say? A I have heard talk about being
 Indian and her father being Indian.
 Q But you never heard how much she had? A No sir.
 Q Did William Allen or his son Greene Allen speak the Choctaw
 language? A I don't know.
 Q Did either of them have Indian names? A I don't know.
 Q When and where was Greene Allen born? A I don't know.
 Q When and where was William Allen born? A I don't know.
 Q When and where did he die? A I don't know.
 Q Did he live in Mississippi? A I don't know.
 Q Did Greene Allen ever? A I don't know.
 Q Have you any proof of any kind that you could offer the Com-
 mission or any witnesses that you wish to introduce before the
 Commission who can testify as to whether you had an ancestor who
 had Choctaw blood, how much he had, whether he lived in Mississ-
 ippi and if so whether he ever complied with the provisions of the
 fourteenth article of the treaty of 1830 or any other provision
 of the treaty of 1830 or any other article? A No sir.
 Q Did any of your Choctaw ancestors ever own any improvements on
 land in Mississippi or Alabama in 1830 or any time before that?
 A I don't know.
 Q Did any of your Choctaw ancestors go from Mississippi or
 Alabama to the Choctaw ancestor Nation Indian Territory with the
 other Indians between 1833 to 1838? A I don't know.
 Q Did any of your Choctaw ancestors within six months after the
 ratification of the treaty of 1830 tell the United States Indian
 agent, Col. Ward, that they intended to stay in Mississippi, take
 land there and become citizens of the States? A I don't know.
 Q Did any of your Choctaw ancestors claim or receive any benefits
 any land in Mississippi or Alabama as Choctaw Indians under arti-
 cle fourteen of the treaty of 1830? A I don't know.
 Q Did they ever claim or receive any benefits whatever under any
 other article of the treaty of 1830 than article fourteen or under
 the supplement to that treaty? A I don't know.

In accordance with the provisions of article fourteen of the
 Treaty of Dancing Rabbit Creek the Government directed an agent
 in Mississippi to register the names of those Choctaws who might
 desire to remain in Mississippi and become citizens of that
 State; the records of the Government show that this agent failed
 to record or register the names of many Choctaw Indians who did
 signify their intention to remain and take land and become citizens
 of the States; on this account in many instances the land upon

which the Indians had improvements and which they desired reserved for them under the fourteenth article were sold and they were deprived of their land. This action caused many complaints and finally it was brought to the attention of Congress and it appointed March 3, 1837 a Commission which Commission went to Mississippi and heard claimants under article fourteen and made a list of successful claimants. In 1842 another Commission was appointed by Act of Congress approved August 23, 1842, and this Commission also went to Mississippi and heard claimants under article fourteen and made lists of successful claimants.

Q Did any of your Choctaw ancestors appear before either of these Commissions claiming rights under article fourteen of the treaty of 1830? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold he should be entitled to select land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that certificates to that effect should be issued to him; these certificates were called scrip.

Q Did any of your ancestors, if Choctaw Indians, receive any such scrip from the Government? A I don't know.

Q Have you any documentary evidence you want to present now to the Commission? Any papers? A

Application of Robert Helloway presented, received filed and marked Exhibit "A" is made a part of the record in this case.

Q Have you any other documentary evidence you want to file?
A No sir.

Reasonable time will be allowed this applicant in which to introduce further proof of his right to be identified as a Choctaw Indian if he so desires; also proof of his father's and mother's marriage.

Q Is there anything more you want to say about your case? A No sir.

Q Are you able to speak the Choctaw language or do you speak it?
A No sir.

Q The following people who claim to be descended from the same common ancestor, William Allen, the ancestor through whom you claim

Isaac B. Allen (3644); Joseph T. Spurlin et al. (3645); Dixon G. Spurlin (3646); John A. Waldrep (3647); Achilles A. Waldrep (3648); Henry G. Martin et al. (3764); Emmet Holloway (3775); Mary E. McCurdy et al. (3776); Linna B. Dodson (3777); Prudie E. Wooten et al. (3778); Ballie Watts (3779); Elisa Holloway (3772); Mary H. Waldrep (3773); Elizabeth I. Mollahan et al. (3774); James A. Martin (3765); Louisiana A. Holloway et al. (3781); Green A. Martin et al. (3782); Fannie E. Hall (3783); Mary E. Franklin (3784); Kate O. Watts (3785); Mary S. Alsop (3786); Annie S. Francis (3787).

Q Are these all relatives of yours? A Yes sir.

Q And they all claim through the same ancestor through whom you claim the right to be identified? A Yes sir.

Q Do you want to have their testimony and records considered with yours so that you can get the benefit of what they have testified to? A Yes sir.

Applicant has the appearance and general physical characteristics of being descended from white parents. Has fair complexion blue eyes and light brown hair. Does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 14th day of November, 1901.

Cora Mitchell
Notary Public.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3788

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Robert Holloway,

Lowe, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3785
Isaac B. Allen, et. al.,	M C R 3844
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3773
Alfred J. Roberson,	M C R 3808
Elizabeth I. McMahan, et. al.,	M C R 3774
John A. Waldrop,	M C R 3847
Achille A. Waldrop,	M C R 3848
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3845
Dixon G. Spurlin,	M C R 3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ila Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

610

Acting Chairman.

Registered.

H.C.R. 3788

COPY.

Muskogee, Indian Territory, March 24, 1903.

Robert Holloway,

Now, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Tamie Pickens

Chairman.

No. 3788

For Identification as a Mississippi Choctaw.

Date

OCT 19 1901

Name

Robert Holloway

Age

22 - Blood don't know.

Post Office,

Keona, Texas.

Father:

John M. Holloway L.

Mother:

Eliza " L.

Claims through

mother -

~~Child~~

Claims for self
alone -

Stenographer

H. H. Harris

Choctaw MCR 3789

Mark Holloway

See MCR 3772

MCR 3789

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA? I.T. October 19, 1901.

3789

In the matter of the application of Mark Holloway for identification as a Mississippi Choctaw.

No attorney.

Mark Holloway being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mark Holloway; (M-a-r-k-)
Q What is your age? A Twenty five.
Q What is your post office address? A Howe Texas.
Q How long have you lived there? A I have lived, well, I was born right there close all my life.
Q Lived all your life in that County? A Yes sir.
Q What is your wife's father's name? A George W. Holloway.
Q Is he living? A No sir.
Q What is your mother's name? A Louisiana A. Holloway.
Q Is she living? A Yes sir.
Q She was here yesterday? A Yes sir.
Q Through which parent do you derive your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I don't know
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indians Territory? A No sir.
Q You claim no Choctaw blood through your father? A No sir.
Q Was a white man was he? A Yes sir.
Q When and where were your father and mother married? A In Texas.
Q Do you remember what place in Texas? A Near Howe.
Q Do you remember the date? A '71, August 17, I believe it was.
Q Have you their marriage license and certificate? A No sir.

Reasonable time will be allowed applicant in which to prove marriage of his father and mother.

- Q Are you married? A Yes sir.
Q What is your wife's name? A Sallie Holloway.
Q Do you claim for her; do you make any claim for her? A No sir

- Q She is a white woman then is she? A Yes sir.
 Q Have you any children that you wish to make application for? A No sir.
 Q You claim for yourself alone then? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Did you ever make application to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No sir.
 Q Were you ever enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A No sir.
 Q Did you ever make application before this time for citizenship or membership in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A No sir.
 Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place called Dancing rabbit Creek in Mississippi September 27, 1830. The object of that treaty was the removal of all the Choctaw Indians who lived in the old Choctaw Nation which was located in Mississippi partly and partly in Alabama to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians wouldn't go to the new Choctaw Nation in the Indian Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him or over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article? A Yes sir.
 Q You claim under that do you? A Yes sir.
 Q Now as this article has been read and explained to you and you understand it do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.
 Q You claim through your mother? A Yes sir.
 Q What was her maiden name? A Martin.
 Q L.A. Martin? A Yes sir.
 Q What was her mother's name? A Mary F. Martin.
 Q She claimed through her mother? A Yes sir.
 Q And her maiden name was what? A Allen.

- Q M.A.Allen? A Yes sir.
Q Is he claimed through? A Her father.
Q What was his name? A Greene Allen.
Q And he claimed through which parent? A His father.
Q What was his name? A William Allen.
Q How much Choctaw blood did he have? A I don't know.
Q Did you ever hear was he full-blood or half? A I don't know.
Q Did he or his son? Greene Allen have Indian names? A I don't know.
Q Did either or both of them live in Mississippi at that time?
A I don't know.
Q Do you know whether William Allen or Greene Allen were living in Mississippi and heads of families in 1830? A I don't know.
Q How old is your mother now? A I don't know just how old she is.
Q Where was she born? A In Louisiana.
Q Do you know what place in Louisiana? A No sir.
Q When was her mother born? A I don't know.
Q Where did her mother die? A Texas.
Q When, do you know? A No sir; I don't.
Q Do you know how old she was when she died? A No sir.
Q Do you know when or where Greene Allen was born or when and where he died? A No sir.
Q Do you know where he lived any portion of his life? A No sir.
Q Do you know when or where William Allen was born or died? A No sir.
Q Did any of your ancestors, if Choctaw Indians, own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know.
Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they intended to live in Mississippi and take land there? A I don't know.
Q Did any of your Choctaw ancestors claim or receive any land from the Government as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
Q Did they ever claim any benefits or land or receive any benefits of any kind under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty?
A I don't know.
Q Do you claim under the whole treaty of 1830 and under the supplement or only under article fourteen? A I don't know.

In accordance with the provisions of article fourteen of the Treaty of Dancing Rabbit Creek the Government instructed an agent in Mississippi to register the names of the Choctaw Indians who came before him within six months after the ratification of that treaty and told him they wanted to stay in Mississippi and take land there. This agent failed to record the names of a great many of the Indians who came to him and made this declaration within the time limited in the fourteenth article; the result was a great many Indians lost their lands and improvements- these were sold by the Government; this action of the Government caused a great many complaints on the part of the Choctaw Indians so that in 1837 by Act of Congress approved March 3 of that year a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen and made lists of the names of those who had proved their claims. In 1842 another Commission was appointed by Act of Congress and that Commission went to Mississippi

and heard claimants under article fourteen and made lists of the names of all who had proven their claims before it.

Q Did any of your Choctaw ancestors to your knowledge go before either of these Commissions in order to claim benefits under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress of August 23, 1842, approved, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830 or Dancing Rabbit Creek and if it also appeared that his land had been taken from him by the Government that he should be entitled to receive land in either Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant Government land and that certificates to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government? A I don't know.

Q Have you any documentary evidence you want to present now? A Yes sir.

Application of Mark Holloway received, filed, marked Exhibit A" and made a part of the record in this case.

Q Have you any other documentary evidence you want to present now? A No sir.

This applicant will be allowed further reasonable time in which to file further proof of his claim to be identified as a Mississippi Choctaw if he desires; also proof of the marriage of his father and mother.

Q Do you understand the Choctaw language? A No sir.

Q Is there anything more you want to say in support of your claim? A No sir.

The following persons have made application before this Commission for identification as Mississippi Choctaws claiming through the same common ancestor through whom you claim, William Allen; here follows:

Isaac B. Allen (3644)	Joseph T. Spurlin et al. (3645)
Dixon G. Spurlin (3646)	John A. Waldrop (3647)
Achilles A. Waldrop (3648)	Henry G. Martin et al (3764)
Emmet Holloway (3775)	Mary E. McCurdy et al. (3776)
Linna B. Dodson (3777)	Prudie E. Wooten et al. (3778)
Sallie Watts (3779)	Eliza Holloway (3772)
Mary M. Waldrop (3773)	Elisabeth I. McMahan et al. (3774)
James A. Martin (3765)	Louisiana A. Holloway et al. (3781)
Green A. Martin et al. (3782)	Fannie E. Hall (3783)
Mary E. Franklin (3784)	Kate G. Watts (3785)
Mary L. Allsup (3786)	Annie L. Francis (3787)
Robert Holloway (3788)	

Q Are these all relatives of yours? A Yes sir.

Q And they all claim through the same common ancestor through whom you claim the right to be identified? A Yes sir.

Q Do you want their testimony and records considered with yours so that you can get the benefit of what they have testified to?

A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has fair complexion, blue eyes and light brown hair. Does not understand the Ojibaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15th day of November 1901.

Clara Mitchell Wood
Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3789

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY.

Muskogee, Indian Territory, December 6, 1902.

Mark Holloway,

Howe, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3799
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3644
Clara P. Duke, et. al.,	M	C	R	3825
John G. Allen, et. al.,	M	C	R	3826
Charlie A. Allen, et. al.,	M	C	R	3824
James T. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3827
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3808
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3647
Achille A. Waldrop,	M	C	R	3648
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3645
Dixon G. Spurlin,	M	C	R	3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie L. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zerai Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma L. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 3723

COPY.

Muskogee, Indian Territory, March 24, 1903.

Mark Holloway,

Howe, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elias Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

James Dixby.

Chairman.

No. 3789

For Identification as a Mississippi Choctaw.

OCT 1, 1901

Date

Name Mark Holloway

Age 25 — Blood don't know

Post Office, Keowee, Texas —

Father: George W. Holloway, d

Mother: Louisiana A. " l.

Claims through mother,
wife - Sallie Holloway, XX,
No claim for wife -

~~children~~

Claims for self
above

Stenographer

H. G. Harris

Choctaw MCR 3790

George W. Holloway

See MCR 3772

MCR 3790

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE NIV E CIVILIZED TRIBES.
ATOKA, I.T. October 19, 1901.

3700

In the matter of the application of George W. Holloway for the identification of himself and his two minor children as Mississippi Choctaws.

George W. Holloway being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George W. Holloway.
Q What is your age? A Twenty seven.
Q What is your post office address? A Luella, Texas.
Q How long have you lived there? A All my life.
Q Were you born in Luella? A Near there.
Q What County? A Grayson County.
Q What is your father's name? George W. Holloway.
Q Is he living? A No sir, he is dead.
Q What is your mother's name? A Louisiana A. Holloway.
Q Is she living? A Yes sir.
Q She came here for identification yesterday, didn't she? A Yes sir.
Q You claim through which parent? A Mother.
Q How much Choctaw blood do you claim? A I don't know sir.
Q Have you the marriage license of your father and mother?
A No sir.
Q Q Do you know when and where they were married? A In Texas,
near Howe.
Q Do you know when? A No sir.

Reasonable time will be allowed you in which to offer proof of the marriage of your father and mother.

- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Pauline P. Holloway.
Q What is her nationality? Is she a white woman? A She is white.
~~Q Have you any children? A Yes sir.~~
Q Do you make any claim for her? A No sir.
Q Have you any children? A Yes sir.
Q How many? A Two.
Q What is the name of the eldest? A Arthur T. Holloway.
Q How old is he? A Three years old.
Q Next? A Elmer B. Holloway.
Q Boy? A Yes sir.
Q How old is he? A One year old.

- Q Is that all? A Yes sir.
Q You want to make claim for them, do you? A Yes sir.
Q Is Pauline P. Holloway the mother? A Yes sir.
Q Are you the father? A Yes sir.
Q Were either of you married before? A No sir.
Q When and where were you married to your wife? A In Grayson County, Texas, 1897, December 23.
Q Have you your marriage license and certificate with you? A Yes.
Q Have you any other documentary evidence you want to present?
A Yes sir.

Certified copy of the marriage license of G.W.Holloway Jr. presented by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case; the application in writing of George W. Holloway presented, received, filed, marked Exhibit "B", filed and made a part of the record in this case.

- Q Have you any other documentary evidence you want to present now?
A No sir.

Reasonable time will be allowed this applicant in which to file other and additional testimony in support of his claim.

- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself to the Commission to the Five Civilized Tribes under Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship together with your oldest child in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Is this the first application of any kind that you have ever made for membership in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A Yes sir.
Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaws and for the purpose of identifying your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 sometimes called the Treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama before they came to the new Choctaw Nation, Indian Territory. The object of that treaty was the removal of all the Choctaw Indians who lived in the old Choctaw Nation to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians wouldn't come to the Choctaw Nation, Indian Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being

desire to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article? A Yes sir.
- Q After you have had it read and explained to you can you say whether or not any of your ancestors ever complied or attempted to comply with any provisions of that article? A No sir.
- Q What was the name of the ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A William Allen and Greene Allen.
- Q William Allen is Greene Allen's father? A Yes sir.
- Q How much Choctaw blood did William Allen have? A I don't know.
- Q Did he have a Choctaw name? A I don't know.
- Q Did he speak the Choctaw language? A I don't know.
- Q Did he ever live in Mississippi or Alabama? A I don't know sir.
- Q When and where was he born? A I don't know.
- Q When and where did he die? A I don't know.
- Q His son was Greene Allen? A Yes sir.
- Q You don't know when or where he was born? A No sir, don't know.
- Q Nor when he died? A Don't know.
- Q Did he ever live in Mississippi? A I don't know.
- Q Did he ever have an Indian name or speak the Choctaw language? A I don't know.
- Q You claim through your mother? A Yes sir.
- Q What was her maiden name? A Martin.
- Q L.A. Martin? A Yes sir.
- Q Where was she born? A In Louisiana.
- Q What part of Louisiana? A I don't know sir.
- Q How old is she now? A I don't know exactly.
- Q About middle age is she? A About forty eight I think.
- Q She claimed through which parent? A Her mother.
- Q What was her mother's maiden name? A Mary F. Allen.
- Q She married a Martin? A Yes, August.
- Q Where did she die? A In Texas.
- Q What place? A Near Euella.
- Q How old was she when she died? A I don't know.
- Q Do you know if she ever lived in Mississippi? A No sir.
- Q Do you know when or where she was born? A No sir.
- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors ever go from Mississippi or Alabama to the Indian Territory between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States?
A I don't know.

Q Did any of your ancestors receive or claim any lands from the Government as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know sir.

Q Did they ever receive or claim any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know sir.

In accordance with the provisions of article fourteen of the Treaty of Dancing Rabbit Creek the United States Indian agent who lived in Mississippi in 1830 was instructed by the Government to make a list of the names of all Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and told him that they wanted to take land in Mississippi and remain there not going to the Indian Territory; but this Indian agent failed to make a full list of all claimants who came before him under the provision of article fourteen, so that his list, known as Ward's Register contains the names of only a few of the total number of Indians who came before him. This neglect on his part to make a complete list of claimants under the fourteenth article caused great distress among the Indians living in Mississippi because the land upon which they lived and had improvements was taken from them and sold; this caused so many complaints that in 1837 Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen. In 1842 another Commission was appointed by Congress which went to Mississippi and this Commission heard claimants who claimed under article fourteen of the treaty of 1830. Both Commissions made lists of successful claimants who proved their claims under article fourteen.

Q Do you know if any of your ancestors appeared before either of these Commissions as claimants under the fourteenth article?
A No sir, I don't know.

The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and if it also appeared that the land had been taken from him that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas and that he would receive certificates to that effect; these certificates were called scrip at that time.

Q Do you know whether any of your Choctaw ancestors ever received any such scrip from the Government? A No sir.

Q The following persons have appeared before this Commission to be identified as Mississippi Choctaws claiming under or through the same common ancestor through whom you claim, William Allen. These persons are as follows:

Isaac B. Allen (3644)

Joseph T. Spurlin et al. (3645)

Dixon G. Spurlin (3646)	John A. Waldrop (3647)
Achillis A. Waldrop (3648)	Henry G. Martin et al. (3764)
Ernest Holloway (3775)	Mary E. McGurdy et al. (3776)
Linna B. Dedden (3777)	Prudie B. Wooten et al. (3778)
Sallie Watts (3779)	Eliza Holloway (3772)
Mary M. Waldrop (3773)	Elizabeth I. McMahon et al. (3774)
James A. Martin (3765)	Louisiana A. Holloway et al. (3761)
Green A. Martin et al. (3782)	Fannie B. Hall (3783)
Mary E. Franklin (3784)	Kate O. Watts (3785)
Mary S. Allsup (3786)	Annie L. Francis (3787)
Robert Holloway (3788)	Mark Holloway (3789)

Q Are these all relatives of yours? A Yes sir.
 Q And this William Allen they claim through is the same William Allen through whom you claim? A Yes sir.
 Q Do you want their testimony and records considered as part of your own so that you may get the benefit of what they have testified? A Yes sir.
 Q Is there anything more you want to say about your claim? A No sir.
 Q Do you understand or speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parents; light eyes, medium light complexion, medium light brown hair; does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15th day of November 1901.

Clara Mitchell Wood
 Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3790

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

Muskogee, Indian Territory, December 6, 1902.

George W. Holloway,
Imella, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3790
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3644
Clara P. Duke, et. al.,	M	C	R	3625
John G. Allen, et. al.,	M	C	R	3626
Charlie A. Allen, et. al.,	M	C	R	3624
James T. Allen,	M	C	R	3628
Henry C. Allen,	M	C	R	3627
Linna B. Dodeon,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3606
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3647
Achillis A. Waldrop,	M	C	R	3648
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3645
Dixon G. Spurlin,	M	C	R	3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth L. McMahan, Alfred Franklin Waldrop, Zoma L. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

N.S.N. 3730

COPY:

Mustang, Indian Territory, March 21, 1903.

George W. Holloway,
Dalla, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

James L. Ditty.
Chairman.

No. 3790

For Validation as a Mississippi Check.

Date

OCT 1 1901

Name George W. Holloway

Age 27

Blood drink of honor.

Post Office, Luella, Texas

Father: George W. Holloway, d.

Mother: Louisa A. " b.

Claims through mother —

wife. Pauline P. Hearn, w.

No claim for wife.

Children:

Arthur P. " 3

Elmer L. " 1

Claims for self &
children.

Witness H. L. Hearn.

Choctaw MCR 3791

Gussie M. Johnson

See MCR 3772

MCR 3791

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. OCTOBER 19, 1901.

In the matter of the application of Harness S. Johnson for the identification of his three minor children as Mississippi Choctaws.

No attorney for applicant.

Harness S. Johnson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Harness S. Johnson. (h-a-r-n-e-s-s-)
Q What is your age? A Thirty six.
Q What is your post office address? A Whitewater, Texas.
Q How long have you lived there? A About twenty years I think.
Q Where did you live before that? A In Callen County.
Q Texas? A Yes sir.
Q Where were you born? A In Missouri.
Q Where in Missouri? A I don't know.
Q When did you move from Missouri? A '78 I think it was.
Q You went to where? A Texas.
Q And have you lived in Texas since? A Yes sir.
Q What is your father's name? A G.W. Johnson.
Q Is he living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Sallie H. Johnson.
Q Through which parent do you claim Choctaw blood? A Neither.
Q You don't claim any Choctaw blood then? A No sir.
Q When do you claim for? A My children.
Q Is their mother a Choctaw Indian? A Yes sir.
Q How many children? A Three.
Q You are the father of these children? A Yes sir.
Q Do these children have the same post office address? Whitewater?
A Yes sir.
Q Who is the father of these children? A I am the father.
Q They are living with you at your home are they? A Yes sir.
Q You don't claim any Choctaw blood? A No sir.
Q How much Choctaw blood do you claim your wife had? A I don't know.
Q You claim she had the blood, do you? A Yes sir.
Q What is your wife's name? A Ida Martin was her maiden name; Johnson now.
Q She is dead is she? A Yes sir.
Q Her maiden name was Martin? A Yes sir.
Q You don't know how much Choctaw blood she had? A No sir.
Q How your children claim through which parent you or their mother? A Their mother.
Q You can't tell how much Choctaw blood they claim? A No sir.
Q You can tell when and where your wife, Ida Johnson, died?
A Yes sir; at Whitewater.

- Q When? A September 9, 1895.
Q Have you married since? A No sir.
Q Had she ever married previous to her marriage to you? A No sir.
Q Or did you previous to your marriage with her? A No sir.
Q What is the name of her father? A Augustus Martin.
Q Is he living? A Yes sir.
Q Does he have any Chectaw blood? A No sir.
Q What is the name of your wife's mother? A Mary F. Martin.
Q Did she have Chectaw blood? A Yes sir.
Q Is she living? A No sir.
Q How much Chectaw blood did she claim? A I don't know.
Q Was your wife or her mother, Mary F. Martin ever recognized in any way or enrolled as members of the Chectaw tribe of Indians by either the Chectaw tribal authorities or the authorities of the United States in Indian Territory? A I don't know.
Q What is the name of the eldest child for whom you intend to make application? A Gussie M. Johnson.
Q How old is she? A Eleven.
Q Next? A Annie L.
Q How old is she? A Ten.
Q Next? A Claude (Boy).
Q How old is he? A Seven.
Q Is that all? A Yes sir; that's all.
Q When and where were you married to your wife, Ida? A At Whittemound, Texas.
Q What date? A October 3, 1889.
Q By a minister and under a license? A Yes sir.
Q Have you the marriage license and certificate with you? A Yes sir.
Q Have you any other evidence you want to submit later? A Yes sir.
Q Have you the marriage license and certificate of the marriage of your wife's parents, Augustus Martin and Mary F. Martin? A No sir.
Q When and where were they married? A I don't know sir.

Reasonable time will be allowed the applicant in which to produce evidence of his wife's father's and mother's marriage.

- Q Are the names of these children on any of the tribal rolls of the Chectaw Nation in the Indian Territory? A No sir.
Q Did you or any one ever make application for them to the Chectaw tribal authorities for citizenship in the Chectaw Nation? A No sir.
Q Did you or any one for them make application to the Dawes Commission for citizenship in the Chectaw Nation under Act of Congress of June 10, 1896? A No sir.
Q Have these children ever been enrolled as citizenship of the Chectaw Nation by either the Chectaw tribal authorities, the Dawes Commission or United States Court in Indian Territory? A No sir.
Q Is this the first application that has ever been made for them by any person either to the Chectaw tribal authorities or the United States authorities for membership in the Chectaw Nation? A Yes sir.
Q Do you now come before the Commission as their father and guardian for the purpose of making application for them for identification as Mississippi Chectaws under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was entered into between the United States Government and the Choctaw tribe of Indians for the purpose of having all the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama removed to the new Choctaw Nation in Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians wouldn't go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You think you understand that article? A Yes sir.

Q Do you know whether the Choctaw ancestors of these children ever complied or attempted to comply with any of the provisions of that article of that treaty? A No sir.

Q What was the name of the ancestor through whom you claim for these children? A Greene Allen, I think.

Q What was his father's name? A William Allen.

Q Do you know who the father or mother of William Allen was? A No sir.

Q Did William Allen live in Mississippi in 1830? A I don't know.

Q Did he ever live in Mississippi? A I don't know.

Q Did he have any Choctaw name? A I don't know.

Q Did he speak the Choctaw language? A No sir.

Q You can't tell when or where he was born or died? A No sir.

Q Did his son, Greene Allen have a Choctaw name or speak the Choctaw language? A I don't know.

Q Knew when or where he was born or died? A I don't know.

Q Did he ever live in Mississippi? A I don't know.

Q These children claimed through Ida Johnson whose maiden name was Ida Martin; she claimed through which parent? A Her mother.

Q What was her name? A Mary F. Martin.

Q What was her maiden name? A Allen.

Q Do you know when or where she died? A No sir.

Q Or when or where she was born? A No sir.

Q Did she ever live in Mississippi? A No sir. I don't know.

Q Did any of these children's ancestors ever own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of their Choctaw ancestors go from Mississippi or Ala-

came to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know.

Q Did any of their Choctaw ancestors within six months after the treaty of 1830 tell the United States Indian agent, Col. Ward, that they intended to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of their Choctaw ancestors claim or receive any land from the Government under article fourteen of the treaty of 1830? A I don't know.

Q Did they claim or receive land or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know. No sir.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the United States Indian agent, Col. Ward, who lived in Mississippi at that time, was instructed to make a list of the names of all Choctaw claimants who came before him within six months after the ratification of that treaty and told him that they wanted to stay in Mississippi and take land there. The agent failed to record the names of all the Choctaw Indians who appeared before him; a large number of the Indians were left off the list; an account of this neglect a great many Choctaw Indians who had land and improvements there had both taken away from them and sold. This caused a great many complaints among the Indians and as a result of these complaints Congress by Act approved March 3, 1837 appointed a Commission which went to the State of Mississippi and heard all claimants who claimed benefits under article fourteen and made a list of all these claimants. In 1842 another Commission was appointed by Act of Congress for the same purpose and they made lists of all successful claimants under article fourteen.

Q Did any of these childrens' Choctaw ancestors appear before either of these Commissions and claim benefits under article fourteen? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article but that his land had been taken from him that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of these childrens' ancestors ever receive any such scrip from the Government as Choctaw Indians? A I don't know.

Q You have some documentary evidence? A Yes sir.

Petition of H.S. Johnson for his children presented by him, received, filed, marked Exhibit "A" and made a part of the record in this case; certified copy of marriage license between H.S. Johnson and Miss Ida Martin offered, received, filed, marked Exhibit "B", and made a part of the record in this case.

Reasonable time will be allowed this applicant in which to file

further evidence and testimony if he desires in support of this application he makes for his children.

Q Did these children know anything of the Choctaw language?

A No sir; they don't.

Q Is there anything more you want to say in support of this claim? A No sir.

The following persons have appeared for identification as Mississippi Choctaws before this Commission previous and some of them upon this date, all claiming through the same common ancestor, William Allen, through whom you claim for these children the right of identification as Mississippi Choctaws:

Isaac B. Allen (3844)	Joseph T. Spurlin et al. (3645)
Dixen G. Spurlin (3646)	John A. Waldrop (3647)
Achilis A. Waldrop (3648)	Henry G. Martin et al. (3764)
Rumet Holloway (3775)	Mary E. McGurdy et al. ?(3776)
Linna B. Dedson (3777)	Prudie E. Wooten et al. (3778)
Sallie Watts (3779)	Eliza Holloway (3772)
Mary M. Waldrop (3773)	Elizabeth I. McMahan et al. (3774)
James A. Martin (3765)	Louisiana A. Holloway et al. (3781)
Green A. Martin et al. (3782)	Fannie E. Hall (3783)
Mary E. Franklin (3784)	Kate O. Watts (3785)
Mary L. Allsup (3786)	Annie L. Francis (3787)
Robert Holloway (3788)	Mark Holloway (3789)
George W. Holloway et al. (3790)	

Q Are these all relatives of your three children? A Yes sir.

Q And the William Allen they claim through is the same William Allen through whom your children claim? A Yes sir.

Q And you want the testimony in these cases considered when the application for these children is considered so that they can get the benefit of it? A Yes sir.

Q Nothing more you want to say? A No sir.

ojo0-o-o

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 16th day of November, 1901.

Clara Mitchell Wood

Notary Public.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3791

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Gussie M. Johnson,

Whitemound, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3765
Isaac B. Allen, et. al.,	M C R 3644
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3778
Alfred J. Roberson,	M C R 3808
Elizabeth I. McMahan, et. al.,	M C R 3774
John A. Waldrop,	M C R 3647
Achillis A. Waldrop,	M C R 3648
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3645
Dixon G. Spurlin,	M C R 3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in the office and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WEDD

James P. Fisher

Acting Chairman.

Registered.

M.C.R. 8791

COPY

Muskogee, Indian Territory, March 24, 1903.

Cassie M. Johnson,
Whitesound, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

3791

For Identification as a Mississippi Choctaw.

Date. OCT 19 1901

Name *Harness S. Johnson*
for 3 minor children
Age 36 Blood *White*

Post Office, *White Mound, Texas*
of children

Father: *Harness S. Johnson, d*
of children *Choc.*

Mother: *Ida Johnson, d*

I don't know how much Choctaw b.
Claims through mother -

father of wife

Augustus Martin, d

mother of wife.

Mary F. Martin, Cho, d

Children:

Gussie M. Johnson, 11

Annie L. " 10

Claude " 7

Father claims for his 3 minor children.

Stenographer *A. G. Harris.*

Choctaw MCR 3792

John N. Martin

See MCR 3772

MCR 3792

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 19, 1901.

3792

In the matter of the application of John H. Martin for the identification of himself and his two minor children as Mississippi Choctaws.

No attorney for applicants

John H. Martin being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John H. Martin.
Q What is your age? A Thirty seven.
Q What is your post office address? A Luella, Texas.
Q How long have you lived there? A I lived right around there about thirty four years.
Q Where were you born? A Louisiana.
Q In what County? A I can't tell you.
Q You don't know what place? A No sir.
Q You went from there to Texas? A Yes sir.
Q What is your father's name? A Augustus Martin.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary P. Martin.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A I don't know.
Q When and where were your father and mother married? A I don't know.
Q By whom, do you know? A No sir.
Q Have you their marriage license and certificate or any proof of their marriage? A No sir.

Reasonable time will be allowed you in which to get it.

- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Annie Martin.
Q Is she a white woman? A Yes sir.
Q Claim for her? A No sir.
Q Have you children--? A Yes sir.
Q What is the name of the eldest? A Hattie Martin.
Q How old? A Six years old.

Q Next? A Zeral, a boy; he is one year old.
Q Is that all the children you have? A Yes sir.
Q In your wife Annie the mother? A Yes sir.
Q You are the father? A Yes sir.
Q They are living with you at your home? A Yes sir.
Q Was she ever married before? A No sir.
Q Were you? A No sir; yes sir I was married before but I have no children that marriage.
Q Have you the marriage license and certificate with your of your marriage with Annie Martin? A No sir.
Q When and where were you married? A In Sherman, Texas, in '90 the 6h day of August.

You will be allowed reasonable time in which to introduce proof of your marriage to your wife.

Q You claim for yourself and children? A Yes sir.
Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation for yourself or children? A No sir.
Q Did you ever make application for yourself and this eldest child to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the Act of Congress of June 10, 1896? A No sir.
Q Were you or your children ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in Indian Territory? A No sir.
Q Did you ever before this time make application your yourself or for these children to either the Choctaw tribal authorities or the United States authorities? A No sir.
Q Do you now come before this Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws under the fourteenth article of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Yes sir.
Q You have heard it read and explained several times? A Yes sir.
Q You don't care to have it read again? A No sir.
Q You think you understand it well enough? A Yes sir.
Q Well, as you have heard it read and explained and as you understand it, do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of that article? A No sir.
Q Isaac B. Allen is an uncle of yours? A Yes sir.
Q He told you you had Choctaw blood? A Yes sir.
Q Any other members of the family told you so? A Yes sir.
Q Did he ever tell you about William Allen, who he was and what blood he had? A Yes sir; he didn't tell me what blood he had.
Q What relation is William Allen to you? A Great-grandfather.
Q Do you know whether he had any Choctaw Indian blood? A I don't know that he did.
Q Have you ever heard that he did? A Yes sir.
Q Where? A I heard my people talk about it.
Q About how much did you hear he had? A I don't know.
Q Did he, William Allen speak the Choctaw language? A I don't know.
Q Did he have a Choctaw name? A I don't know.
Q Did he ever live in Mississippi? A I don't know.

- Q When and where was he born? A I don't know.
 Q When and where did he die? A I can't tell you.
 Q What was his son's name? A greens Allen.
 Q Did he have Choctaw blood? A I don't know.
 Q Well, he was the son of William Allen? A Well, they said so
 Isaac B. Allen says so.
 Q Do you know how much Choctaw blood Greens Allen had? A No sir.
 Q Do you know when and where he was born or died? A No sir.
 Q Did he ever live in Mississippi? A I don't know.
 Q Through which of his children do you claim Choctaw blood? A Mary
 F. Allen; her married name was Martin.
 Q Was she your mother? A Yes sir.
 Q When and where was she born? A I don't know.
 Q She is dead? A Yes sir.
 Q When and where did she die? A In Texas.
 Q About how long ago? A Twenty five years.
 Q How old was she when she died? A I can't tell you exactly.
 Q You never heard her say how much Choctaw blood she had? A No sir
 never heard her say.
 Q Do you know whether any of your ancestors lived in Mississippi
 or Alabama in 1830 and were heads of families at that time?
 A I don't know.
 Q Did any of your Choctaw ancestors own any improvements on land
 in Mississippi or Alabama in 1830? A I don't know.
 Q Did any of your ancestors within six months after the ratifi-
 cation of the treaty of 1830 tell the United States Indian agent,
 Col. Ward, that they intended to stay in Mississippi and take land
 there? A I don't know.
 Q Did any of them own or claim any land in Mississippi as Choctaw
 Indians under article fourteen of the treaty of 1830? A I don't
 know.
 Q Did any of your Choctaw ancestors claim or receive any benefits
 under any other article of the treaty of 1830 than article four-
 teen or under the supplement to that treaty? A I don't know.

In accordance with the provisions of article fourteen of the Treaty of Dancing Rabbit Creek the United States Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that he failed to register or record the names of many who did signify their intention to remain. On account of this neglect many Indians who had lands there and improvements had both taken away from them by the Government and sold at its Public Land sale; this led to so many complaints on the part of the Choctaw Nation that finally Congress in 1837 by Act of March 3, 1837, appointed a Commission which went to the State of Mississippi and heard claimants under article fourteen of the treaty. In 1842 another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen and made lists of the names of the successful claimants.

- Q Did any of your ancestors appear before either of these Com-
 missions and claim benefits under the fourteenth article of that
 treaty? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied

with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government that he should be entitled to select land in either Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that certificates to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip as Choctaw Indians from the Government? A I don't know.

Q Have you any documentary evidence you want to file? A Yes sir.

Q Have you a marriage license? A Not with me.

Affidavit of this claimant is presented by him received, filed marked Exhibit "A", and made a part of the record in this case.

Reasonable time is allowed this applicant in which to file further evidence in support of his claim; also evidence of the marriage of his father and mother and also of his marriage to his wife.

Q Do you speak the Choctaw language? A No sir.

Q Or Understand it? A No sir.

Q Have you any other statement to make in support of this claim?

A No sir.

The following persons have appeared before this Commission for identification as Mississippi Choctaws claiming through the same common ancestor, William Allen that you claim through:

Isaac B. Allen (3644)	Elizabeth I. MacMahana et al (3774)
Joseph T. Spurlin (3646)	James A. Martin (3765)
Dixon G. Spurlin (3646)	Louisiana A. Holloway (3781)
John A. Waldrop (3647)	Greene A. Martin et al (3782)
Achilles A. Waldrop (3648)	Fannie E. Hall (3783)
Henry G. Martin et al. (3764)	Mary E. Franklin (3784)
Linna B. Dodson (3777)	Kate O. Watts (3785)
Emmett Holloway (3775)	Mary S. Allsup (3786)
Mary E. McCurdy et al (3776)	Annie L. Francis 3787
Prudie R. Wooten et al (3778)	Robert Holloway 3788
Sallie Watts (3779)	Mark Holloway 3789
Eliza Holloway (3772)	George W. Holloway et al. 3790
Mary M. Waldrop (3773)	Harness S. Johnson 3791

Q Are these people all related to you? A Yes sir.

Q Is this ancestor through whom they claim the same ancestor through whom you claim? A Yes sir.

Q His name was William Allen? A Yes sir.

Q Do you want their testimony considered with yours so that you can get the benefit of what they have offered here? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parents; has blue eyes, medium dark complexion, dark brown whiskers, mustache and hair. Does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth

article of the treaty of 1839.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 10, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 16th day of November, 1901.

Charles Mitchell Ford

Notary Public.

COMMISSIONERS.

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3792

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

Muskogee, Indian Territory, December 6, 1902.

John N. Martin,

Isella, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3799
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3644
Clara P. Duke, et. al.,	M	C	R	3625
John G. Allen, et. al.,	M	C	R	3626
Charlie A. Allen, et. al.,	M	C	R	3624
James T. Allen,	M	C	R	3628
Henry C. Allen,	M	C	R	3627
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3806
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3647
Achilis A. Waldrop,	M	C	R	3648
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3645
Dixon G. Spurlin,	M	C	R	3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Thomas D. Fisher
Acting Chairman.

Registered.

N.C.R. 2792

COPY.

Muskogee, Indian Territory, March 24, 1903.

John W. Martin,

Luella, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Yame Kirby.
Chairman.

For Identification as a Mississippi Choctaw.

Date

OCT 19 1901

Name

John N. Martin,

Age

37

Blood

Ant. (Known)

Post Office,

Surulla, Texas.

Father:

Augustus Martin, L

Mother:

Mary G.

"

L

Claims through

Mother,

Wife,

Annie

"

—

W.

No claim

for wife —

Children:

Mathie Martin,

6

Leare

"

boy

1

Claim for self &

children —

Stenographer

W. G. Harris.

Choctaw MCR 3793

Jubilee T. Davenport

See MCR 3794

MCR 3793

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jubilee T. Davenport
et al., for identification as Mississippi Choctaws, consoli-
dating the applications of

Jubilee T. Davenport et al. H.C.R. 3793
Joseph H. Davenport, H.C.R. 3794

List of papers forwarded to the Secretary of the Interior,
comprising the report in the consolidated case of

Jubilee T. Davenport et al.

(Page)

Original application of Jubilee T. Davenport et al. before the Dawes Commission for identification as Mississippi Choctaws	1
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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. OCTOBER 19, 1901.

3793

In the matter of the application of Jubilee T. Davenport for the identification of himself and his two minor children as Mississippi Choctaws.

No attorney for applicant.

Jubilee T. Davenport being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jubilee T. Davenport. (j-u-b-i-l-e-e-)
- Q What is your age? A Forty five.
- Q What is your post office address? A Sherman, Texas.
- Q Have a street number? A I live in the country.
- Q How long have you lived near Sherman? A About thirty three years.
- Q Where were you born? A Tennessee.
- Q Where in Tennessee? A Jackson County.
- Q And moved from there to where? A Texas.
- Q At what age? A About nine years old.
- Q And you have lived in Texas ever since? A Yes sir.
- Q What is your father's name? A Joseph Davenport.
- Q Is he living? A No sir he is dead.
- Q What is your mother's name? A Her present name is Elizabeth Elliott.
- Q She married again? A Yes sir.
- Q Is she living? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A My father.
- Q How much Choctaw blood do you claim through your father? A About a fourth.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir; not that I knew of.
- Q When and where were your father and mother married? A In Jackson County, Tennessee, January 10, 1856.
- Q Have you their marriage license and certificate? A No sir not at present.
- Q Do you think you can get it? A Yes sir.

Reasonable time will be allowed you in which to introduce proof of their marriage.

- Q Were they married under a license and by a minister? A Yes sir.
Q You claim Chectaw blood through your father? A Yes sir.
Q Are you married? A Yes sir.
Q Is your wife's name? A Mary C. Davenport.
Q Is she a white woman? A Yes sir.
Q She has no Chectaw blood? A No sir.
Q Do you claim for her? A No sir.
Q Have you any children under twenty one years of age and unmarried for whom you want to make application? A I have two.
Q What is the name of the eldest? A Grever T. Davenport.
Q How old is he? A Sixteen.
Q The next child? A Andrew T. Davenport.
Q How old? A Eight years old I believe.
Q And the next? A That's all.
Q Is Mary C. Davenport the mother? A Yes sir.
Q You are the father? A Yes sir.
Q When and where were you married to your wife, Mary C. Davenport? A Grayson County, Texas.
Q When? A 1876, September 24, I believe.
Q Were you married by a minister under a license? A Yes sir.
Q Have you that license with you? A No sir.

Reasonable time will be allowed you to present it in support of the case of these children.

- Q Was she married before she married you? A No sir.
Q Were you ever married before you married her? A No sir.
Q Is your name or the names of these children on any of the tribal rolls of the Chectaw Nation in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Chectaw Nation for yourself or these children to the Chectaw tribal authorities? A No sir.
Q Did you ever make application for citizenship in the Chectaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Chectaw Nation by the Chectaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.
Q Is this the first application that you or anybody for you or for your children has ever made to the Chectaw tribal authorities or the United States authorities? A
- for membership in the Chectaw Nation? A Yes sir.
Q Do you now claim the right of identification for yourself and children under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A No sir; not fully.

In 1830 the Treaty of Dancing Rabbit Creek was made between the

United States Government and the Choctaw tribe of Indians who lived at that time in the old Choctaw Nation which was partly in the State of Mississippi and partly in the State of Alabama. The object of that treaty was the removal of all the Choctaw Nation Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in Indian Territory. Then, before that treaty was signed, while it was being discussed, it became evident that a great many of the Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory and in order to protect their interests some provision had to be made in the treaty; therefore article fourteen was drafted and this was satisfactory to both the United States and the Indians so it was put into the treaty and the treaty was then ratified; article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which may be living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article? A I believe I do.
- Q Do you think after having heard it read and explained you understand it well enough to determine whether or not any of your Choctaw ancestors complied or attempted to comply with any of the provisions contained in it? A I think I do.
- Q You think they did comply with any of these provisions? A No sir I don't think they did.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama when that treaty was made? A My grandfather did I think.
- Q What was his name? A Charles Davenport.
- Q He was a Choctaw Indian? A Yes sir.
- Q How much Choctaw blood did he have? A I think about one half.
- Q You claim through which parent? Your father? A Father and my grandfather.
- Q And this is your grandfather? A Yes sir.
- Q Your father, then, if your grandfather was a half, would be a half of that which is one fourth--? A I misunderstood you; I don't claim a fourth; I claim an eighth; I claimed my father to be a fourth.
- Q How do you know that Charles Davenport was a half Indian?
- A By evidence.
- Q Have you the evidence to introduce here? A Not now.
- Q You think you can produce it if given time? A Yes sir.
- Q What did you ever hear about his being Choctaw Indian- a half?
- A I have heard he is.
- Q Who told you? A By different parties.

- Q But who did-, father or mother, grandfather or who? A Yesir; my mother never.
- Q By whom then? Give the names; this is a material point in your case: I want to know how you knew that Charles Davenport was half Choctaw Indian? A I have some affidavits and depositions; not with me, though.
- Q Well, what do you know about this? A I claim from their evidence and their and my knowledge; I can't call their names just at present.
- Q What knowledge have you that Charles Davenport was half Choctaw Indian? A I don't have any knowledge of my own.
- Q Charles Davenport was your father's father? A Yes sir.
- Q Did you ever hear your father, Joseph Davenport, say that he had any Indian blood? A No sir.
- Q Did you ever hear your mother make the statement that her husband had any Indian blood or that his father had any? A No sir.
- Q Well how does it happen now at this date you have lived all your life with your mother and part of your life with your father and you have never heard anybody in the family say anything about it? A Well, my father died when I was small.
- Q How does it happen that you never heard your mother mention any of these facts? A (No answer.)
- Q About the Indian blood? I am trying to get at the fact how this material important fact should be concealed in the family as a matter of fact you were-- A I heard it.
- Q From whom? A John Tolbert and Buck Tolbert.
- Q Where do they live? A In Grayson County, Texas.
- Q Who are these people? A Farmers; white men.
- Q What relation to you? A None.
- Q How do they know about your Indian blood? A They knew my grandfather.
- Q Are they old men? A Yes sir.
- Q How old are they? About how old? A (No answer.)
- Q I don't expect you to tell me exactly. Are they 70, 60, 50, 40 or what? A Well, they are about seventy or eighty years old.
- Q And did they live in the same neighborhood with your grandfather? A They lived in Tennessee.
- Q What did they ever tell you about your grandfather being Choctaw Indian? A They told me he was a half blood.
- Q Ever tell you how he looked? A No sir.
- Q Ever tell you more than once that he was half-? A No sir.
- Q When and where did he die? A In Mississippi.
- Q Where in Mississippi? A In Green County.
- Q What date? A I can't call the date.
- Q Where was he born? A I can't say.
- Q Do you know whether he was born in Mississippi or not? A No sir; I don't.
- Q Do you know how long he lived in Mississippi? what portion of his life? A I don't know.
- Q When did your father die? A About '63 I think it was about '63.
- Q How old was he when he died? A He was about-- I think he was must have been about thirty three or four.
- Q He was born then about 1830, wasn't he? If he died in '63 and he was thirty three he would be born in 1830. Now where was he born; in what State? A In Mississippi.
- Q About 1830, as near as you can get at it? A Yes sir.
- Q Was his father living there in Mississippi at that time? A I don't know sir.

Q Well, did you ever hear that his father was living at the time of his birth or about that time? A No sir.

Q Well, presuming that he was, your grandfather, Charles Davenport would be living in Mississippi in 1830 and the head of a family there at that time, wasn't he? A What--

The question is repeated) A Yes sir.

Q Do you know as a matter of fact that he was? (No answer.)

Q Do you know as a matter of fact that he was? X If you don't know say you don't know. A No sir I can't say.

Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, between 1833 to 1838? A Whose is that.

(The question is repeated and Applicant answers "No sir.")

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent Col. Ward that they intended to stay in Mississippi, take land there and become citizens of the States? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land from the Government as Choctaw Indians in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir not that I know of.

Q Did any of your Choctaw ancestors receive any benefits or any lands under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A Not that I know of.

Under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the United States Indian agent who lived in Mississippi in 1830 was directed by the Government to make a list of all claimants, Choctaws, who came before him within six months from the ratification of that treaty and told him that they wanted to stay in Mississippi and take land there. This agent failed to record the names of all the Choctaw Indians who came before him; in fact Ward's register contains the names of but a very few of all the claimants who came before him claiming under article fourteen: the result of this neglect caused many of the Indians to lose lands and improvements both being sold by the Government at its Public Land Sale. This caused many complaints among the Indians so that in 1837 Congress by Act of March 3, 1837, appointed a Commission which went to Mississippi, heard claimants under article fourteen and made lists of all who proved their claims under that article. In 1842 another Commission was appointed by Congress and they made lists of the successful claimants.

Q Do you know whether any of your ancestors, Charles Davenport, or any other through whom you claim Choctaw blood, went before either of these two Commissions and claimed benefits under that article of that treaty? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government that he should be entitled to select land from Mississippi, Alabama, Louisiana, or Arkansas and that certificates to that effect should be issued. These certificates were called scrip.

- Q Did any of your ancestors receive any such scrip from the Government? A My father scrip.
- Q What do you mean by scrip? A Land warrant.
- Q Did he get it from the Government after having proved his right under article fourteen? A He got it from his father.
- A His father left it to him.
- Q His father, Charles Davenport? A Yes sir.
- Q Did Charles Davenport go before the Commission of 1842 and get that scrip? A I don't know sir.
- Q Did he select land under it? A No sir.
- Q What was this land warrant or scrip you spoke of; did you ever see it? A No sir.
- Q How do you know that he got it? A Mother said so.
- Q Then his name would appear on the list of 1842, wouldn't it? A I suppose so.
- Q Did you ever hear that his name was on that list? A Yes sir. He got a scrip but I don't know whether it was from the Government or the Choctaw Indians.
- Q Are you people to offer any further evidence in regard to that scrip if given time to do so? A I can get the testimony of my mother.
- Q Can you get a copy of the testimony of anybody who has seen it in order to testify what it is? A I think I can.

A reasonable time will be allowed you to do that.

The records in the possession of the Commission, being a list of the Choctaw claimants under 1837 and 1842, whose claims were approved by the United States Government- a list compiled her at this office from Vol. I. Choctaw Nation v. United States Government, has been examined by the Commission and no such name as Charles Davenport appears on the records as having received scrip from the United States Government under article fourteen of the treaty of 1830 as a claimant whose claim was approved under the Commission appointed by the Act of Congress approved August 23, 1842,

- Q Have you any documentary evidence of any kind that you want to introduce now? A Not at present.

Reasonable time will be allowed applicant in which to offer documentary which is proper to submit in support of his case; also marriage licenses.

- Q Do you speak Choctaw? A No sir.
- Q Have you any relatives who have come here before the Commission for identification? A Not that I know of.
- Q Is there anything more you want to say? A No sir.

Applicant has the appearance and physical characteristics of being descended from white parents; medium dark complexion, dark brown hair, brown eyes, dark mustache. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stated

ographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 16th day of November, 1901.

Clara Mitchell Good
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 17th, 1902.

Jubilee T. Davenport et al, M.C.R. 3793 }

vs }

The Choctaw Nation. }

Additional testimony taken at Meridian, Mississippi, on the 17th day of January, 1902, in the above styled and numbered case.

Jack Amos, being first duly sworn, testified as follows:-
(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Jack Amos.
Q How old are you? A About seventy-two or seventy-three.
Q What is your postoffice address? A Melon, Newton County, Mississippi.
Q Are you a full blood Choctaw? A Yes sir.
Q How long have you lived in the State of Mississippi? A All my life.
Q Are you acquainted with a man by the name of Jubilee T. Davenport living in the State of Texas? A No sir.
Q Did you ever know a man by the name of Joe Davenport? A No.
Q Did you ever know a man by the name of Charles Davenport? A Yes.
Q Do you know whether the Charles Davenport whom you knew, was any relation to Jubilee T. Davenport who now lives in Texas and is an applicant for identification as a Mississippi Choctaw? A I don't know.
Q When did you first become acquainted with this man Charles Davenport? A I don't know when that was-I was a boy then about twelve or thirteen years old.
Q Where did you live at that time? A Eight miles south of DeKalb in Kemper County.
Q How did you come to make the acquaintance of this man Charles Davenport? A I never did talk with that man but I saw him at Indian cries and saw other Choctaws talking with him.
Q Where was that Indian cry where you first saw him? A In Kemper County close to Hooearnotehee station on the M. & O.
Q Did he have any Choctaw blood? A He looked like he was half Choctaw-his hair was black-he wasn't as white as a full blood white man.
Q Did he speak or understand the Choctaw language? A Yes sir, understand the Choctaw language.
Q How do you know about that? A Just heard him talking to other Choctaws-saw him smoke with other Choctaws.
Q Did you ever see his family? A No.
Q About how old a man was he when you first saw him? A I don't know how old he was but he was a grown man-he had a mustache.
Q Do you know what the name of his father was? A I don't know.
Q Or his mother? A No.
Q Did you ever see either of them? A No.
Q Did you ever hear whether either of them was white? A No, never did.
Q Did this man have a Choctaw name? A No.

- Q When was the last time you saw this man Charles Davenport?
A About two years from the time I first saw him.
Q Where did he live during the time you knew him? A I don't know where he lived but someone told me he lived between DeKalb and Seuba, in Kemper.
Q Do you know what became of him after you last saw him? A I don't know.
Q Did you ever hear of him after the last time you saw him? A No never heard of him.
Q The 14th article of the treaty of Dancing Rabbit Creek was quoted to you this morning by the Commission when you gave your testimony in the case of John W. Coker et al vs the Choctaw Nation. You understand that 14th article of the treaty of Dancing Rabbit Creek, do you not? A Yes.
Q Did Charles Davenport or any of his ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder?
A I don't know.
Q Do you know where he or any of his ancestors were living in 1830 when this treaty was made? A I don't know.
Q Do you know whether any of them were recognized members of the Tribe here at the time this treaty was made? A I don't know whether he was or not.
Q Did any of them remove from the old Choctaw Nation here in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe between the years 1833 and 1838? A I don't know.
Q Did he or any of his ancestors within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?
A I don't know.
Q Did Charles Davenport or any of his ancestors ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek?
A Never heard.
Q Did he or any of his ancestors ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A I don't know.
Q Do you know whether he or any of his ancestors were ever recognized members of the Choctaw Tribe or ever received any benefits as such? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This

caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, providing for the continuance of this Commission, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was appointed by the President of the United States and the Commissioners came down here to Mississippi in the 40's and heard a great many more of these Choctaw cases.

Q Did Charles Davenport or any of his ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know of anyone living, any old person, who would likely know whether Charles Davenport or any of his ancestors complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A I don't know of anyone who would know about that. All old folks that were there then have all died now.

Q Are you any relation to Charles Davenport or any of his descendants? A No.


Q Are you interested in any way in the result of this application? A No.

This witness is undoubtedly a full blood Indian-he speaks and understands the Choctaw language and also speaks and understands English fairly well, the examination having been conducted chiefly in English. He is an Indian of above the average intelligence and has given in his testimony in a straight-forward manner, impressing one with the truthfulness of his statements.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

Jubilee T. Davenport et al---4

all proceedings had in the above entitled cause heard at Meridian, Mississippi, January 17th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 23rd day of January, 1902, at Meridian, Mississippi.

L. B. Mosley,
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By  Deputy.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. February 28, 1902.

In the matter of the application for identification as a
Mississippi Choctaw of Jubilee T. Davenport, M.C.R. 3793.

W. H. C. Greer, Agent, representing applicant.

Reuben Orr being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Reuben Orr.
Q What is your age? A I was born in 1828 April 16th.
Q What is your post office address? A Sherman, Texas.
Q Are you a full blooded Negro? A No, sir.
Q You claim to be Negro? A Yes, sir.
Q You claim any ~~white~~ blood? A Well I don't know sir; I reckon not.
Q Well do you claim any Indian blood? A People say that but I don't claim that. I don't know what I must claim.
Q Did you ever make application to be identified as a Mississippi Choctaw before the Commission or before the United States authority? A No, sir.
Q Were you a slave formerly? A Yes, sir.
Q Did you use to live in Mississippi? A I did.
Q Were you born in Mississippi? A Yes, sir.
Q Can you tell when you were born? A In 1828, that what they told me.
Q You would be about seventy-four years old now then? A Yes, sir.
Q Are you acquainted with a man by the name of Jubilee T. Davenport who lived in the State of Texas? A I know him when I see him but I am not personally acquainted with him.
Q Did you ever know a man by the name of Joe Davenport? A Yes, sir.
Q Who was he, what relation to Jubilee T. Davenport? A I don't know; I heard Mr. Davenport say that was his grandfather.
Q Is Joe Davenport then the ancestor through whom Jubilee T. Davenport claims? A Yes, sir.
Q Do you know anything about Jubilee T. Davenport's ancestors who lived in Mississippi? A No, more than what he says.
Q You never seen him there? A No, sir; but I seen these people that he claims are his kin.
Q Is all you want to testify now in regard to the Indian blood possessed by the ancestors of these people? A Yes, sir.
Q How much Choctaw blood did Jubilee T. Davenport have? A I don't know.
Q Was he a full blood? A No, sir; he aint' no full blood.
Q Was he a quarter blood or one-eighth? A I don't know.
Q Did you know Jubilee T. Davenport's father's name? A No, sir.
Q Did you know his grandfather? A Yes, sir.
Q What was his name? A Joe.
Q Where did you know him? A Green County, Mississippi.
Q How old were you when you knew Joe Davenport in Green County, Mississippi? A I reckon I was about twelve years, as well as I can remember.

- Q Was that the last time you saw him when you were twelve years old?
A That was the first time.
- Q How long did you know him after that? A I knowed him on until I was a man full grown.
- Q What do you know about his having Choctaw blood? A I reckon he was more than a half Indian. I heard my master call him an Indian.
- Q Full blood? A He could speak like us then he could also talk to the Indians. He could talk with the Indians.
- Q Did he look as if he had any white blood in him? A Yes, he looked like he had some white blood in him.
- Q How much? A I could not tell.
- Q What was his business? A He farmed down there and when I seen him the last time he was at White Sulphur Springs doing nothing then.
- Q How do you know he was the grandfather of Jubilee T. Davenport?
A I don't know that.
- Q How can you testify as to the ancest or of Jubilee T. Davenport?
A I know Joe and Charley.
- Q You don't know whether they are related to Jubilee T. Davenport?
A No, sir.
- Q What year was it you knew Joe Davenport in Mississippi? A It was about 1838 or 1840.
- Q Did you know anything about his father and mother? A I knowed Uncle Charley.
- Q Who was he? A Joe's father.
- Q You know Joe alright and Charley his father? A Yes,,sir.
- Q But you don't know anything about the son of Joe? A No, sir.
- Q And don't know anything about Jubilee T. being related to either Joe or Charley? A That is right.
- Q You don't know? A No, sir.
- Q When did you first become acquainted with this man Charley Davenport the father of Joe? A The same time I got acquainted with Joe, down there in Green County.
- Q And you lived where then? A My master was living down in Nexchubbee County then.
- Q How do you know that this Joe that you knew spoke the Choctaw language? A I heard him talk with Indians.
- Q Did you understand Choctaw? A No, sir; I could not understand what he said.
- Q How old a man was this man Joe when you saw him when you were about ten or twelve years old? A Joe did not look like he was much older than I was.
- Q He was a boy then about twelve or thirteen was he? A Yes, I don't know that he was quite as old as I was.
- Q How did you know the name of his father at that time? A I went to his house.
- Q Where did he live? A In Green County.
- Q Did you ever hear that any of the ancestors of Jubilee T. Davenport complied with the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q Is all you know about this claim of Jubilee T. Davenport's what you have already stated? A Yes, sir.
- Q Don't know anything further about it? A No, sir.
- Q Could not say anything about the treaty of 1830 or whether any of his people complied with it? A No, sir; I don't know anything about it.
- Q What was the reputation of Joe Davenport around there where he lived among the people about whether he was a full blood Indian or part Choctaw Indian? A He was recognized as an Indian so far as I knew.

Q He was spoken of as an Indian? A Yes, sir.
Q But you don't claim he was an Indian? A I don't know that he was
I may be mistaken.

This witness claims to be, and has the appearance of being a
Negro. He does not make any claim to citizenship in the Choctaw
Nation and has never made application. He has no knowledge of the
Choctaw language. He knows nothing further about the Choctaw
ancestors of Jubilee T. Davenport except that he knew a man in
Mississippi by the name of Joe Davenport whose father's name was
Charles Davenport and that Joe Davenport was reputed, in that
neighborhood, where he knew him, to be a part Choctaw Indian.
He does not know whether this Joe Davenport, whom he there knew,
was the ancestor of Jubilee T. Davenport or not and he does not
know Jubilee T. Davenport.

G. Rosenwinkel being duly sworn on his oath states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full all the proceedings had in the above entitled
cause on February 26, 1902, and that the above and foregoing is
a full, true and correct transcript of his stenographic notes
in said cause on said date of February 26, 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 31st day of March 1902.

Chas. M. [Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Copy to Bureau
In the matter of the application of Jubilee T. Davenport
et al., for identification as Mississippi Choctaws, con-
solidating the applications of:

Jubilee T. Davenport et al., H.C.R. 3793
Joseph M. Davenport, H.C.R. 3794.

-: D E C I S I O N :-

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this
Commission by Jubilee T. Davenport for himself and his two minor
children, Grover T. and Andrew T. Davenport; and by Joseph M.
Davenport for himself, under the following provision of the act of
Congress approved June 23, 1898 (30 Stats. 495).

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may
administer oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Charles Sawport, who is alleged to have been a half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 16, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Charles

-3-

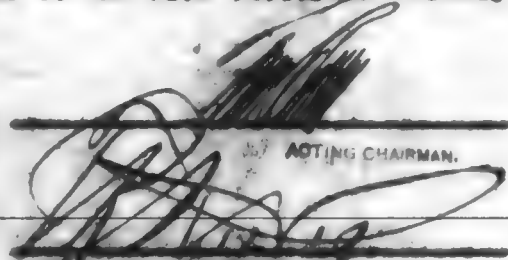
Davenport, or another less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chester Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 100) and August 27, 1842 (5 Stat., 615).


It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Achilles T. Davenport, Grever T. Davenport, Andrew T. Davenport and Joseph E. Davenport as Chester Indians, entitled to rights in the Chester lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Shawnee, Indian Territory,

JUL 21 1881



ACTING CHAIRMAN.


Commissioner.

COPY.

N.C.R. 3703.

Mustagee, Indian Territory, July 21, 1902.

W.A.G. Cress,

Attorney at Law,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 21st day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jubilee T. Davenport, et al., embracing the following applications for identification as Mississippi Choctaws:

Jubilee T. Davenport, et al., N.C.R. 3703
Joseph H. Davenport, " 3704

These applications were made under the provision of the act of Congress of June 20, 1900 (30 Stat. 490) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

VRCC 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jubilee T. Davenport, Grever T. Davenport, Andrew T. Davenport and Joseph H. Davenport as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

J. E. Smith
Commissioner in Charge.

Registered.

COPY.

H.C.R. 5703.

McKees, Indian Territory, July 21, 1903.

Phillip T. Davenport,
McKees, Tenn.

Dear Sir:

You are hereby advised that on the 21st day of July, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Phillip T. Davenport, et al., embracing the following applications for identification as Mississippi Choctaws:

Phillip T. Davenport, et al., H.C.R. 5703
Joseph T. Davenport, " 5704

These applications were made under the provision of the act of Congress of June 20, 1900 (36 Stats. 400) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J T D 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jubilee T. Davenport, Grever T. Davenport, Andrew T. Davenport and Joseph N. Davenport as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

COPY.

M.C.R. 3793.

Muskogee, Indian Territory, July 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Jubilee T. Davenport, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 31, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Jubilee T. Davenport, et al., M.C.R. 3793
Joseph W. Davenport, " 3794

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles

Through the Commissioner of
Indian Affairs.

Commissioner in Charge.

1 enclosure.

COPY.

N.C.R. 3793.

Muskogee, Indian Territory, July 31, 1908.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jubilee T. Davenport, et al., embracing the following applications for identification as Mississippi Choctaws:

Jubilee T. Davenport, et al., N.C.R. 3793
Joseph E. Davenport, " 3794

These applications were made under the provision of the act of Congress of June 26, 1896 (29 Stat. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M MCM & C 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jubilee T. Davenport, Grover T. Davenport, Andrew T. Davenport and Joseph W. Davenport as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge

T. B. Needles.

1916

W C R 3733

COPY.

Muskogee, Indian Territory, September 15, 1902.

W. H. C. Greer,
Attorney at Law,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jubilee T. Davenport, et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Yours truly,

SIGNED.

James E. B. B. B.
Acting Chairman.

COPY.

Muskegee, Indian Territory, September 15, 1902.

Mansfield, McMurray & Gernish,

Attorneys for the Cheetaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Jubilee T. Davenport, et al., of which decision you were advised by mail on the 21st day of July, 1902.

Yours truly,

Tamie Dickey.
Acting Chairman.

M C R 3793

Muskegee, Indian Territory, September 16, 1902 .

Jubilee T. Davenport,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jubilee T. Davenport, et al., of which decision you were advised by registered mail on the 31st day of July, 1902.

Yours truly,

(SIGNED)

Tams Dixby.
Acting Chairman.

CARD No.

NAME

RESIDENCE
DISTRICT

POST OFFICE

AGE

SEX

REFER TO M. C. R. 3793

Jubilee T. Davenport
et al

Consolidated Case

Charles Davenport 1/2

Joseph Davenport 1/4
wife dead

* Elizabeth Davenport
+ second husband name
— Eliza

Jubilee J. Davenport
wife 45 1/8

Mary C. Davenport, w.

Joseph N. Davenport 22 1/16
wife
Lucy Davenport, w.

Grover J. Davenport 16
Andrew J. Davenport 8

No. 3793

For Identification as a Mississippi Choctaw.

Date OCT 19 1901

Name Jubilee T. Daornport

Age 45- Blood ~~1/2~~ 1/8

Post Office, Sherman, Texas,

Father: Joseph Daornport, d

Mother: Elizabeth Elliott, l

Claims through father,
wife Mary C. de " - w,
claims nothing for wife.

Children:

Esroon T. Daornport, 16
Andrew T. " 8

Claims for self &
children -

Stenographer H. S. Davis

Choctaw MCR 3794

Joseph N. Davenport

See MCR 3793

MCR 3794

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 19, 1901.

#3794.

In the matter of the application of Joseph N. Davenport for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Joseph N. Davenport, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Davenport---Joseph N. Davenport.
Q M.? A N.
Q What is your age? A Twenty-two years old.
Q What is your post office address? A Sherman.
Q What? A Sherman.
Q Texas? A Yes sir.
Q How long have you lived in Sherman? A Lived in Sherman all my life.
Q Born there? A Yes sir.
Q In what County is that? A Grayson.
Q What is your father's name? A Jubilee T. Davenport.
Q Jubilee what? A T. Davenport.
Q Is he the same Jubilee T. Davenport who made application for identification October 19th, that is to-day? A Yes sir.
Q What is your mother's name? A Mary Catherine, I think.
Q Mary C.? A Yes sir, I think that's right.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A I claim about a sixteenth
Q When and where were your father and mother married? A Why, I don't know.
Q Have you their marriage license and certificate? A No sir.
Q Reasonable time will be allowed you in which to present evidence of their marriage. Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States authorities

(2).

- in the Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Lucy.
- Q White woman? A Yes sir.
- Q Do you make claim for her? A No sir.
- Q Have you any children? A No sir.
- Q Claim for yourself alone, do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal Authorities for citizenship in the Choctaw Nation? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first time you ever made application for enrollment as a Choctaw citizen, either to the United States authorities or the Choctaw Tribal authorities? A Yes sir.
- Q Do you now claim the right to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Not fully.
- Q In 1830 the United States Government and the Choctaw Tribe of Indians made a treaty called the treaty of Dancing Rabbit Creek at that place in Mississippi, September twenty-seventh of that year for the purpose of removing all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many of the Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. That fourteenth article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

(3).

- Q Do you understand that article? A Yes sir.
- Q Do you know after having heard it read and explained, if you can tell, whether any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of that article? A Not that I know of.
- Q You never heard they did? A No sir.
- Q What is the name of your ancestor who lived in Mississippi in 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My father.
- Q You claim through your father---his name is Jubilee T. Davenport. He claims through whom? A His father.
- Q What is his father's name? A Joseph Davenport.
- Q And he claimed through whom? A Charles Davenport.
- Q His father? A Yes sir.
- Q How much Choctaw blood did he have? A Why, I don't know sir.
- Q Did he have any? A I don't know.
- Q If you don't know that he had any how do you know that you have any then? You have sworn that you have one-sixteenth, or you think you have. Now you say you don't know whether your great-grandfather had any. A Well, not in my own knowledge.
- Q Well, I know, but did you ever hear it in the family, or hear any body ever say so---hear your father ever say so? A Not that I remember of.
- Q Did you ever hear anybody on earth say that your great-grandfather Charles Davenport had any Choctaw Indian blood? You can't come here and claim to be a Choctaw Indian and ask to be identified if you never heard that any of your ancestors had any Choctaw blood. A I was going by what my father knowed about it. I don't know anything about it.
- Q Well, I know, but didn't you ever hear anybody say so? Didn't you ever hear anybody say so? A No.
- Q Did you ever hear anybody say that Joseph Davenport, Charles Davenport's son, had any Choctaw blood? A Not that I know of.
- Q Did you ever hear anybody say that Jubilee T. Davenport, your father, had Choctaw blood? A No, not that I know of.
- Q How? A I don't know.
- Q Did Charles Davenport ever live in Mississippi? A I don't know of my own knowledge.
- Q Did you ever hear anybody in the family say so? A I have heard my grandmother say so.
- Q Do you know where he lived, or when he was born or where? A No sir.
- Q Do you know when and where he died? A I think he died in Mississippi, I don't know.
- Q Did his son, Joseph Davenport live in Mississippi to your knowledge? A No sir, not that I know of.
- Q Do you know when and where he was born? A No sir.
- Q Know when and where he died? A No sir.
- Q Don't know where he lived during his lifetime? A No sir.
- Q He was the father of your father, Jubilee T. Davenport, wasn't he that is Joseph? A Yes sir.
- Q Where was your father born? A In Tennessee.
- Q Do you know where in Tennessee? A No sir.
- Q Do you know when? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did they ever, any of them, go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, between 1833 and 1838? A Not

(4).

that I know of.

- Q Did any of them ever go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi and take land there? A Not that I know of.
- Q Did any of them ever claim any land under article fourteen of the treaty of 1830, or own any? A Not that I know of.
- Q Did any of them ever receive any land or claim any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government directed the Agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States, but the records of the Government show that this agent failed to register and report to the Government the names of many Choctaw Indians who really did signify to him their intention to remain in Mississippi and take advantage of article fourteen of the treaty of Dancing Rabbit Creek. On this account in many instances the land on which Indians had improvements and which they desired reserved for them under said article fourteen was sold by the Government and the Choctaws were deprived of the land. This action on the part of the government led to so many complaints that in 1837 Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen and made a list of the names of all successful claimants who appeared before it. In 1842 another Commission was appointed for the same purpose and they went to the State of Mississippi and heard claimants under article fourteen and made a list of all successful claimants. Did any of your Choctaw ancestors appear before either of those Commissions? A Not that I know of.
- Q The Commission of 1837 or the Commission of 1842 and claim benefits under article fourteen? You don't know about that? A No sir.
- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government he should be entitled to select land elsewhere in the State of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors get any such scrip from the Government as Choctaw Indians? A Not that I know of only what I have heard Grandma say.
- Q Well, did you ever hear your grandmother say that they got any scrip from the Government. A Got scrip. I don't know whether it was from the Government or who it was from.
- Q Do you know whether they got any scrip from the Government under this Act of Congress of 1842? A No sir, I don't know.

The records in the possession of the Commission being consulted, show that in the list of names compiled at this Office from Volume 1, of the Choctaw Nation vs. The United States Government, of all of the claimants whose claims were reported upon favorably by the Commission of 1837 as well as the Commission of

(5).

1842, and which reports were accepted either by Congress, by the Secretary of War or by the President, that the Name of Charles Davenport, the ancestor of this claimant, whom he claims received scrip from the Government, does not appear.

- Q You have no other evidence have you, of the fact that he received scrip from the Government. You have no other statements except what your grandmother told you? A No, only just what I have been told.
- Q Reasonable time will be allowed you in which to offer evidence to prove this statement in regard to any of your ancestors having received scrip from the Government if you desire to introduce it within a reasonable time. Have you any documentary evidence you want to file now in support of your case? A No sir.
- Q Is Jubilee T. Davenport your father? A Yes sir.
- Q He has appeared to-day, October 19, claiming through Charles Davenport. Do you want to have his evidence and records considered with yours when your case is taken up for consideration? A Yes.

Reasonable time will be allowed this applicant in which to file documentary evidence or other evidence proper to be filed in this case in support of his application if he desires to do so.

- Q Do you understand or speak the Choctaw language? A No sir.
- Q Is there anything more you want to say in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from White parentage. He does not understand or speak the Choctaw language and had no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901. *Hal Belford*

Subscribed and sworn to before me this 21 day of November, 1901.

Charles Mitchell Wood
Notary Public.

COPY.

M.C.R. 3794.

Muskogee, Indian Territory, July 21, 1908.

Joseph N. Davenport,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 21st day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jubilee T. Davenport, et al., embracing the following applications for identification as Mississippi Choctaws:

Jubilee T. Davenport, et al., M.C.R. 3793
Joseph N. Davenport, " 3794

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats. 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J N D 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jubilee T. Davenport, Grever T. Davenport, Andrew T. Davenport and Joseph E. Davenport as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 43962-1902.

Washington, August 21, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made July 21, 1902, by the commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record in the matter of the application of Jubilee T. Davenport for the identification of himself and his two minor children, Grover T. and Andrew T.; and of Joseph H. Davenport for himself, as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830.

July 21, 1902, the commission held that the applicants were not entitled to identification as Mississippi Choctaws, and rejected their application.

Descent is claimed through Joseph Davenport, father of principal applicant, to Charles Davenport, his grandfather.

An examination of the records of this office fails to show that either of the alleged ancestors in this case complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, or that they applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an

adjudication of their rights as Choctaw Indians.

It is therefore respectfully recommended that the decision of the Commission rejecting the application, be affirmed.

Very respectfully,

Your obedient servant,

GAW
D

A. C. Tonner,

Acting Commissioner.

3 inclosures.

DEPARTMENT OF THE INTERIOR.

Washington.

D. C. 14856-1902.

52684

RAY.

ITD.5353-1902.

September 3, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

July 21, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws of Jubilee T. Davenport and his minor children, Grover T. and Andrew T. Davenport; and of Joseph E. Davenport.

The applicants endeavor to trace their descent from one Charles Davenport, alleged to have been a half blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Charles Davenport or a less remote ancestor of the applicants ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications July 21, 1902.

Forwarding the papers August 21, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision.

A copy of his letter is inclosed.

-2-

Having thoroughly reviewed the case, the Department affirms
your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

H.M.D.

1 inclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 3794

Muskogee, Indian Territory, September 15, 1902 .

Joseph N. Davenport,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jubilee T. Davenport, et al., of which decision you were advised by registered mail on the 21st day of July 1902.

Yours truly,



Acting Chairman.



3794



DEPARTMENT OF THE INTERIOR,
BUREAU OF THE LAND OFFICE,
WASHINGTON, D. C.

OCT 21 1902

[Signature] ACTING CLERK

Unclaimed



SEP 20 1902



Joseph H. Savenport

~~Sherman~~

~~Stewart~~

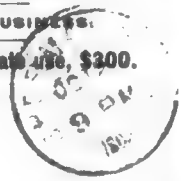
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



No. 3794

For Identification as a Mississippi Choctaw.

OCT 19, 1901

Date

Name Joseph N. Havnport

Age 22 - Blood 1/6

Post Office, Sherman, Texas,

Father: Jubilee T. Havnport, I

Mother: Mary C. " I

Claims through father
wife, Lucy " W.

No claim for wife.

~~Children~~

Claims for self
alone - - - -

Stenographer Hal Belford

Choctaw MCR 3795

Jabers N. Walker

See MCR 3800

MCR 3795

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 19, 1901.

#3798.

In the matter of the application of Jabers W. Walker
for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Jabers W. Walker, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Jabers W. Walker.
Q J-a-b-e-r-s ? A J-a-b-e-r-s .
Q H. what? A H. Walker.
Q Your age is what? A Forty-two this November.
Q What is your post office address? A Goodland, Indian Territory.
Q How long have you lived in Goodland? A I just moved there the
twelfth.
Q Where were you born? A Mississippi.
Q What place in Mississippi? A I was born in Itawamba County but
I was cut off into Tate afterwards, in the Northern part of Miss-
issippi.
Q How long did you remain there? A Till I was twenty-two years
old.
Q Then you went where? A Arkansas.
Q Where did you live in Arkansas? A Lived in Perry County two
years and Little Rock two years.
Q Then you went where? A Went to Tennessee.
Q You lived there how long? A Seven years.
Q And went from Tennessee where? A I went from Tennessee to Miss-
issippi.
Q Back again? A Yes sir.
Q How long did you live in Mississippi? A Lived in Mississippi
the last time four years.
Q Then you went where? A I come to Memphis and lived there a few
months and come over to the Territory then.
Q And you have lived in the Territory how long? A I have been

(2).

here ever since the twelfth of this month, at Goodland. I come right straight on there.

Q Is that your home? A That's where I am going to make my home. I have moved everything except my wife there. That's the post office.

Q What is your father's name? A Jephth V. Walker.

Q How do you spell that? A J-e-p-h-t-h-y.

Q Jephth V. A V.

Q Is that the way he spells it? A Yes, I think it is.

Q Is he living? A No sir.

Q What is your mother's name? A Lucy Amanda Walker.

Q What? A Lucy Amanda Walker.

Q Is she living? A Yes sir.

Q Through which parent do you claim Choctaw blood? A My father.

Q How much Choctaw blood do you claim? A Well sir, I don't know.

Q When and where were your father and mother married? A In Mississippi.

Q Where in Mississippi and what time? A In Itawamba County, but I can't tell you exactly the time.

Q Have you their marriage license and certificate or any proof of their marriage? A No sir, I haven't with me.

Q Reasonable time will be allowed you in which to produce evidence in proof of their marriage. Was your father ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A I don't know.

Q Are you married? A Yes sir.

Q What is your wife's name? A Cora.

Q Cora Walker? A Yes sir.

Q Is she a white woman or an Indian? A She's a white woman.

Q Do you make any claim for her? A No sir.

Q Have you any children? A None living.

Q No children you want to make application for? A No sir.

Q Claim for yourself alone? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.

Q Did you ever make application for enrollment as a Choctaw citizen to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q You never have made application before this time either to the Choctaw Tribal Authorities or the United States Authorities for citizenship in the Choctaw Nation? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir, I think so. I have heard it read enough to-day.

Q How many times have you heard it read and explained here to-day? A I expect a dozen times.

Q You think you understand it thoroughly then? A Yes sir.

Q You waive the reading and explanation then further? A Yes sir.

Q Now as you have heard it read and explained, do you know if any of your Choctaw ancestors complied with any of these provisions of

(3).

- article fourteen? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John B. Booth.
- Q What is his relationship to you? A He was my grandmother's father.
- Q Your great-grandfather? A Yes sir.
- Q Did he have any Choctaw blood---if so how much? A Half-breed is my understanding---what I have been taught. I don't know.
- Q You have been taught that by whom? A By my father and his sister---the only one that I knew anything of in the family.
- Q They said that he had Choctaw blood and was a half-breed? A Yes sir.
- Q Do you know whether he lived in Mississippi or not? A No sir I don't know.
- Q Do you know where he was born? A No sir.
- Q When he was born? A No sir.
- Q Or where he died? A No sir.
- Q The date of his death? A No sir.
- Q You claim your Choctaw blood through your father? A Yes sir.
- Q Jephth V. Walker? A Yes sir.
- Q Where was he born? A He was born in Georgia.
- Q Georgia---what date? A I don't know.
- Q When did he die? A He died in '85.
- Q How old was he when he died? A He was somewhere about eighty. I don't exactly know his age.
- Q Then if he was eighty when he died, he must have been born somewhere in 1805, wouldn't he? A I suppose so.
- Q Now where was he born? A In Georgia. I don't know whereabouts in Georgia.
- Q He claims through what parent? A He claims through his mother.
- Q What was her maiden name? A Sarah Booth.
- Q And she married who? A Married a Walker.
- Q Her father's name was this John B. Booth? A Yes sir.
- Q Now did John B. Booth's daughter, your grandmother---did she ever live in Mississippi? A I don't know that either.
- Q Do you know where she died? A No sir.
- Q When? A No sir.
- Q Or where and when she was born? A No sir.
- Q Or where she lived any portion of her life? A No sir, I never heard anyone say.
- Q Don't know whether John B. Booth was ever in Mississippi? A No sir, I do not.
- Q Well then, how do you know that you are descended from a Mississippi Choctaw? You claim that John Booth was a half-breed Choctaw Indians, but you don't know whether he ever lived in Mississippi. A No, I don't know that he ever lived there.
- Q Do you think you can prove that later? A Yes sir, I have got better proof than I can give.
- Q Do you expect, if given time, to introduce testimony or evidence in any form to show that any of your ancestors lived in Mississippi? A I don't know. I thought I would like to have time to bring up proof.
- Q I say, if you are given time can you do that? A I think so, yes sir.
- Q Well, you will have to do that if you expect to make any case here. You will have to show that you had an ancestor who lived either in Mississippi or Alabama. A Yes sir. My father lived and died in Mississippi.
- Q Your father lived and died in Mississippi? A Yes sir. I was

(4).

- born there and lived there till I was twenty-two years old.
- Q Well, your father then, is he the man that lived to be eighty years old? A Yes, I think that was about his age.
- Q Didn't I ask you where he was born? A He was born in Georgia.
- Q Well, when did he go from Georgia to Mississippi? A I can't answer that----I don't know.
- Q Was your father living in Mississippi in 1830? A I don't know that he was.
- Q Do you know when he went to Mississippi, how long he lived there or when he left that State? A I don't know how long he lived there or when he went there. I was born there.
- Q You were born in Mississippi? A Yes sir.
- Q Where in Mississippi? A In Tate County in the North part of Mississippi.
- Q And you are how old? A Forty-two this November.
- Q Forty-two years ago you were born in Mississippi? A Yes.
- Q You don't know how long your father had lived in that State previous to your birth? A No sir, I don't. I suppose something in the forties, I guess.
- Q You don't know when he married his wife? A No sir.
- Q For where? A He married her in Mississippi, I know that.
- Q He did marry her in Mississippi? A Yes sir.
- Q Do you think you can show when your father and mother were married in Mississippi? A Yes sir, my mother is living yet.
- Q And you can get that evidence, can you? A Yes sir.
- Q Did your ancestors any of them own any improvements on land in Mississippi in 1830? A I don't know sir.
- Q Did any of your ancestors ever go from Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent who lived in Mississippi at that time that they wanted to stay in Mississippi or Alabama and take land there? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors claim any land or receive any under any other article of the treaty of 1830 than article fourteen, or any benefits whatever, under any other article, or the supplement of that treaty? A I don't know whether they did or not.
- Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the United States Indian Agent whose name was Colonel Ward, was instructed by the Government to make a list of the names of all Choctaw Indian claimants who came before him within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there, and live there. This agent failed to record the names of most of the Indians who came before him. His list, known as Ward's Register having but a few of the names of all who came before him under article fourteen and within the time limited in article fourteen to make declarations of their intentions to stay in Mississippi and take land there. Because of this neglect on the part of the United States Indian Agent a great many Indians who had land in Mississippi had their land taken from them and both their land and improvements were sold by the Government at its public land sales. This caused many complaints on the part of the Choctaw Indians in Mississippi and Alabama, and as a result

(5).

of these complaints Congress in 1837 appointed a Commission by an Act approved March 3rd of that year, and this Commission went to the State of Mississippi and heard Choctaw claimants who desired to come before it and made a list of the names of successful claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842, by an Act approved August 23 of that year, another Commission was appointed, and this other Commission went to the State of Mississippi and hear claimants under article fourteen of the treaty of 1830 and made a list of the names of successful claimants. Do you know whether any of your ancestors appeared before either of these Commissions, that of 1837 or the Commission of 1842, and claimed benefits under article fourteen of that treaty? A I don't know.

- Q The Act of Congress approved August 23, 1842 provided that in the event of any Choctaw claimant who appeared before it having his claim allowed, if it also appeared that he had previously had his land taken from him, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that certificates should be issued to him to that effect. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government of the United States? A I don't know.
- Q Have you any documentary evidence with you? A No sir, not with me.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of the claim which he makes in his own behalf, and also proof of the marriage of his father and mother, and any proper evidence which he desires to file in support of this case.

- Q
- Q Do you speak the Choctaw language? A No sir.
- Q Have any of your relatives ever appeared before you for identification as Mississippi Choctaws? Before me? No sir, none ever applied before me. O yes, one.
- Q Who? A It was a Mason.
- Q What is the full name? A Alva.
- Q Alva? A Alva.
- Q Mason? A Yes sir. She lives at Durant.
- Q A woman? A Yes sir.
- Q When did she appear here? A I don't know just when it was. It's been at least fifteen or twenty days. Alva Mason from Durant.
- Q What relation is she to you? A She's a second cousin.
- Q She claims through John B. Booth? A Yes sir, she claims through John B. Booth.
- Q Do you want to have her testimony considered with yours, in connection with yours that you may get the benefit of what she testifies to? A Yes sir.
- Q You don't speak Choctaw? A No sir.
- Q Or understand it? A No sir.

(6).

This applicant has the appearance and physical characteristics of being descended from white parents. He has brown eyes, medium complexion, dark brown hair. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 21 day of November, 1901.

Charles Mitchell Wood
Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3795.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Jabers N. Walker,

Goodland, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis., Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers M. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

ENED,

TAMM LLOYD

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3795.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1903.

Jabers N. Walker,

Goodland, Indian Territory.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,



Commissioner in Charge.

No. 3735

For Identification as a Mississippi Choctaw.

Date OCT 19 1901

Name Jabers ~~H.~~ Walker.

Age 42 Blood don't know.

Post Office, Goodland. D. T.

Father, Jepty V. Walker, d

Mother: Luey A. " l

Claims through father
wife, Cora Walker - w.
No claim for wife -

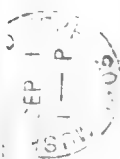
Children:

Claims for self
alone.

Stenographer Neal Buford

2705

File



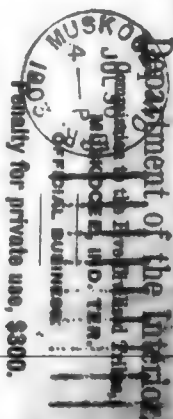
General Office

M. L. R.

Advising that Sec. of Int. has affirmed
Commission's decision.

Jahara N. Walker,

Goodland, Indian Territory.

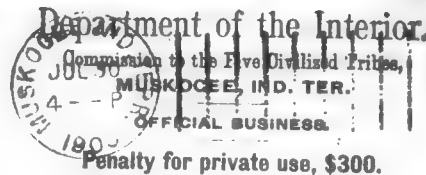


General Office M. L. R.

Advising that Sec. of Int. has affirmed
Commission's decision.

Jabers N. Walker,

Goodland, Indian Territory.



Choctaw MCR 3796

Sarah E. Slade

See MCR 3658, 3657, 3771

MCR 3796

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 21, 1901.

#5796.

In the matter of the application of Sarah E. Slade
for the identification of herself and her six minor children as
Mississippi Choctaws.

Applicant not represented by Attorney.

Sarah E. Slade, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is the name? A Sarah Elisabeth Slade?
Q How do you spell the last name? A S-l-a-d-e .
Q What is your age? A Twenty-nine years.
Q What is your post office address? A Cooper, Texas.
Q C-o-o-p-e-r ? A Yes sir.
Q How long have you lived at Cooper? A I have lived near Cooper
eight years now.
Q Where did you live before that? A In Fannin County, Texas.
Q Texas? A Yes sir.
Q Where were you born? A Mississippi.
Q What place in Mississippi? A Near Corinth.
Q Corinth? A Yes sir.
Q When did you leave Mississippi? A When I was nine years old.
Q And went to Texas? A Yes sir, Fannin County.
Q And have lived there since? A Yes sir.
Q What is your father's name? A William Henry Johnson.
Q Is he living? A No sir, he's dead.
Q What is your mother's name? A Nancy E. Johnson.
Q Is she living? A No sir---dead.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim through him? A One-eighth.
Q Has your father ever been recognized in any way, or enrolled as a
member of the Choctaw Tribe of Indians by the Choctaw Tribal Auth-
orities or the United States Authorities? A No sir, my father's

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- never been on the roll.
- Q When and where were your father and mother married? A They was married in Mississippi.
- Q Do you remember what time? A No, I don't know what date. About thirty-two years ago, though.
- Q Were they married by a minister under a license? A Yes sir.
- Q Have you the marriage license and certificate with you, or any proof of their marriage? A No sir.
- Q A reasonable time will be allowed you in which to file proof of their marriage, that is documentary proof. A Well, I can get the proof of it, I know. I have got the record of it.
- Q It will have to be certified to. A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Garrett D. Slade.
- Q Garrett? A Yes sir.
- Q G-a-r-r-e-t-t? A Yes sir.
- Q B.? A Yes sir, D.
- Q D.? A Yes sir.
- Q Do you make any claim for him? A For him? No sir.
- Q He is a white man is he? A Yes sir.
- Q Not an Indian? A No sir.
- Q Have you any children you want to make application for? A Yes sir, I have six children.
- Q Is your husband, Garrett D. Slade the father of all six children? A Yes sir.
- Q Was he ever married before he married you? A No sir.
- Q Were you ever married before your marriage to him? A No sir.
- Q What is the name of the oldest child? A Rufus B.
- Q What? A Rufus.
- Q R-u-f-u-s? A Yes sir.
- Q Rufus B.? A Yes sir.
- Q How old is he? A Eleven years old.
- Q And the next? A William C.
- Q How old is he? A Nine.
- Q Next? A Samuel A.----seven.
- Q Next? A Verda B.
- Q What is that? A Verda.
- Q V-e-r-d-a? A Yes sir.
- Q Verda? A B.
- Q Girl, I suppose? A Yes sir.
- Q How old is she? A Five.
- Q Next one? A Jewel.
- Q What's that name? A Jewel----J-e-w-e-l.
- Q Girl? A Yes sir.
- Q How old is she? A Three. Volmer.
- Q V-e-l-m-e-r? A M-e-r.
- Q Girl? A Yes sir----one.
- Q One year? A Yes sir.
- Q Any other? A No sir, that's all.
- Q Is Garrett D. Slade the father of these children? A Yes sir.
- Q When and where were you married to him? A We was married in Fannin County, Texas.
- Q Texas? A Yes sir.
- Q What time? A October 9, '87.
- Q By a minister under a license? A Yes sir.
- Q Is your name or the name of these children on any of the Tribal Rolls of the Choctaw Nation in the Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Na-

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- tion to the Choctaw Tribal Authorities? A No sir.
- Q Have you ever made application for citizenship for yourself or children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q That is five years ago. Were you or your children ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application you ever made for yourself or children for citizenship in the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified and for the purpose of the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Well, I don't know as I thoroughly understand it.
- Q You understand what a treaty is, don't you? A Yes sir.
- Q The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek, because it was made at a place in Mississippi called Dancing Rabbit Creek, was made for the purpose----was entered into between the Choctaw Tribe of Indians who at that time lived in Mississippi and Alabama and the United States Government, for the purpose of the removal of all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory----A Yes sir.
- Q Before the treaty was signed it became apparent that a great many Choctaw Indians wouldn't go to the Choctaw Nation Indian Territory and for that reason article fourteen was put into the treaty in order that their interests might be protected. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

- Q Do you think you understand that Section? A Yes sir.
- Q Now, as you have had it read and explained, do you know, could you say if any of your Choctaw ancestors complied or attempted to

- comply with any of the provisions of that article. That is, did they go to the Agent and tell him that they wanted to stay in Mississippi, or did they take land in Mississippi? A My great-grandfather taken land there, Samuel Johnson.
- Q What was his name? A Samuel.
- Q Samuel Johnson? A Yes sir.
- Q How much of a Choctaw was he---how much Choctaw blood did he have? A Him?
- Q Yes? A He was full blood.
- Q Full blood? A Yes sir.
- Q What evidence or proof have you that he was a full blood Indian? A Well, nothing only what I have been told.
- Q In the family? A Yes sir, in the family.
- Q Have you any proof of it otherwise, any documentary proof, anything in writing? A No sir, I haven't anything in writing.
- Q Did he speak the Choctaw language? A I don't know.
- Q Did he have an Indian Name---Choctaw name? A I don't know whether he did or not.
- Q Did he live in Mississippi in 1830? A Yes sir.
- Q Where was he born? A I don't know.
- Q Where did he die? A I think he died in Mississippi, I don't know. I don't think he ever left there.
- Q How? A I don't think he ever left there.
- Q Think he always lived in Mississippi? A Yes sir.
- Q Was he the head of a family in Mississippi in 1830? That is, did he have children living there at that time? A Yes sir.
- Q Now you say he had land in Mississippi. Did he get that land from the Government? A He homesteaded it I think. That's what I understand.
- Q Do you know when he took that land? A No sir, I don't know.
- Q Or how long he lived upon it? A No sir.
- Q Did he get it from the Government? Just simply took it? Just went on it as an Indian would take land? A Why I don't know, couldn't tell you. I understand though that he didn't want to come over here and stayed there.
- Q Did he have improvements on it in 1830, that is houses, or a house or a barn or any buildings upon it? A Why, I don't know. I suppose he did.
- Q You don't know about that surely? A No sir, I don't know.
- Q Did he or any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to live in Mississippi and stay there---not go to the Territory? A I don't know.
- Q You don't know whether this land you say he had was received by him from the Government under article fourteen of the treaty of 1830? A Well, that's my understanding, that it was received under article fourteen.
- Q Do you know whether he or any of your Choctaw ancestors received any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty do you know whether he did or they did? A No sir, I don't.
- Q You claim through your father, William N. Johnson. He claimed through whom, father or mother? A Father.
- Q Through his father? A Yes sir.
- Q What was his father's name? A Rufus.
- Q Rufus Johnson, and he claimed through his father, Samuel? A Yes sir.
- Q Did Rufus Johnson live in Mississippi, do you know? A Yes sir.

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- Q Did your father live in Mississippi? A Yes sir.
- Q And you were born there? A Yes sir.
- Q When did your father die? A He died about twenty years ago.
- Q Twenty years ago? A Yes sir.
- Q How old was he at that time? A He was about thirty-two.
- Q You say he was about how old when he died? A About thirty-two years old.
- Q His father died when, if you know? A About fifteen years ago.
- Q Fifteen----and how old was he? A I don't remember how old he was.
- Q Well, you and your father and your grandfather and your great-grandfather all lived in Mississippi? A Yes sir.
- Q Therefore, you claim that your great-grandfather, Samuel Johnson was living there, had children in Mississippi in the year 1830? A Yes sir.
- Q Now in reference to this land. Do you know anything more about it----just where it was located? A No sir, I don't.
- Q And how much there was of it? A I was small when I left there and I don't remember where it was.
- Q You don't know whether there is any proof in writing or documentary proof in existence that would give you any information? A No sir, I couldn't tell. I will find out.
- Q Do you know whether they----any of your ancestors, Samuel Johnson or any of them went to this United States Indian Agent within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi? A Well, my grandfather received scrip you know. He could stay there and become a citizen of the United States by homesteading land, and his descendants were to come West of the Mississippi River. That's the way I understand it.
- Q Well, now where did you get that information? A Well, I got it out of article fourteen.
- Q Well, that article fourteen is the article that's been read and explained and under which you are making this claim. Now you state that this great-grandfather complied with article fourteen. Now what proof have you besides your statement if any? That's what you want to prove. A Yes.
- Q What other proof have you, if any? Do you think if given time you could introduce proof? A Yes, I think that I can make the proof if given time.
- Q You haven't any proof with you, any documentary proof? A No sir I haven't any with me.

Reasonable time will be allowed this applicant in which to introduce proper evidence or testimony in support of this application which she makes for herself and children, in order that she may show if possible that her ancestors were Choctaw Indians lived in Mississippi in 1830, and that they complied with article fourteen of the treaty of Dancing Rabbit Creek.

- Q In accordance with the provisions of article fourteen of the Treaty of 1830, the United States Indian Agent, Colonel Ward, who

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lived in Mississippi at that time was instructed by the Government to make a list of the names of all Choctaw Indians who came to him within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there and become citizens of the States. This Agent failed to record the names of a great majority of Indians who came before him within the time limited, and as a result of his neglect a great many Indians who held land in Mississippi or Alabama, in the old Choctaw Nation, had both land and improvements upon that land taken from them by the Government, and it was sold at the public land sales of the Government. This caused a great many complaints on the part of the Indians so that in 1837 a Commission was appointed by Congress, by an Act approved March 3rd of that year, and this Commission went to Mississippi and heard a great many Indian claimants who claimed benefits under article fourteen of that treaty and made lists of the names of all successful claimants. In 1842 another Commission was appointed for the same purpose. This Commission went to Mississippi and made a list of the names of all successful claimants under article fourteen. Do you know whether any of your ancestors, your great-grandfather, of your father, or any of your ancestors if Choctaw Indians went before the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty? Did you ever hear that they did? A No sir, I don't know.

Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been taken from him he should be entitled to select land either in Mississippi Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Do you know if any your ancestors received any scrip from the Government as Choctaw Indians. By Scrip is not meant money, but a certificate which entitles the holder to select land? A Yes sir, my great-grandfather received scrip.

Q He did. Now you mean then that your great-grandfather went before the Commission of 1842 and received scrip---proved his case there? A Under the treaty of 1830.

Q Yes, under the treaty of 1830. He claimed under the treaty of 1830 and went before the Commission of 1842? A Yes sir.

Q You don't know that he had any other name? A No sir, I don't.

Q Did you ever hear that he went before this Commission of 1842 and received scrip? A Well, I don't know whether it was 1842 or not. I know he received scrip. That's all I knew about it.

Q It would be the claimants under the treaty of 1830, and scrip was issued only by the Commission of 1842. A Well, that's what I have always been taught that he received scrip and stayed and taken a Homestead.

Q Did he, under that authority---under that certificate or scrip, select land in Mississippi and live upon it? A Yes sir.

Q Do you know what became of that land? A No sir, I don't.

Q Or where it was located? A No sir.

The record in the possession of the Commission, being a compilation of the names of all claimants made up at this office

(7).

from lists prepared and authenticated by the Commission of 1837 and from lists that were made up and approved by the Commission of 1842 examined for the name of Samuel Johnson as a Mississippi Choctaw claimant having received land from the Government of the United States under article fourteen of the treaty of 1830, and the name does not appear upon this list. Reasonable time will be given this applicant in which to show if possible that Samuel Johnson, her great-grandfather, did receive such scrip from the Government under article fourteen of that treaty pursuant to the Act of Congress approved August 23, 1842.

- Q Have you any relatives who have appeared before the Commission previous to this date for identification as Mississippi Choctaws? A Yes sir, I have two brothers, registered here and they registered for a brother in the U. S. Service.
- Q What were there names? A Rufus Johnson.
- Q And what is the name of the other? A Sloan D. Johnson., and John Henry.
- Q All made separate applications? A Yes sir.
- Q Any other relatives? A My sister.
- Q What is her name? A Nellie McLaughlin.
- Q Any others? A No sir.
- Q Do you want to have the records and their testimony taken into consideration when yours is considered that you may get the benefit of what they have testified to? A Yes sir.
- Q You don't speak the Choctaw language or understand it? A No sir.
- Q Is there anything more you want to say that you can think of in support of this application? A No sir, I don't know as there is.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium dark complexion, gray eyes, dark brown hair. She does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901. *Hal Belford*

Subscribed and sworn to before me this 21 day of November, 1901.

Clara Mitchell
Notary Public.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Sarah Elizabeth Slade, et al., for identification as Mississippi Choctaws, consolidating the following applications:

Sarah Elizabeth Slade, et al.,	N E R 3796
Rufus M. Johnson, et al.,	N E R 3687
Mollie E. McLaughlin, et al.,	N E R 3771
Lone D. Johnson, et al.,	N E R 3638

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Sarah Elizabeth Slade, et al.

Page.

Original application of Sarah Elizabeth Slade, et al., to the Dawes Commission for identification as Mississippi Choctaws - -	1
Original application of Rufus M. Johnson, et al., to the Dawes Commission for identification as Mississippi Choctaws - - - -	2
Original application of Mollie E. McLaughlin, et al., to the Dawes Commission for identification as Mississippi Choctaws - -	13
Original application of Lone D. Johnson, et al., to the Dawes Commission for identification as Mississippi Choctaws - -	18
Affidavit of Tobias Edwards - - - - -	21
Affidavit of John Lewis - - - - -	25
Decision of the Commission denying the applications of Sarah Elizabeth Slade, et al., Rufus M. Johnson, et al., Mollie E. McLaughlin, et al., and Lone D. Johnson, et al., for identification as Mississippi Choctaws - - - - -	24

3796

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Sarah E. Shado Etal.
M. C. R. 3796

*J. W. L.
C. O. W.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Elizabeth Slade, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Sarah Elizabeth Slade, et al.,	M C R 3796
Rufus M. Johnson, et al.,	M C R 3687
Mollie E. McLaughlin, et al.,	M C R 3791
Lone D. Johnson, et al.,	M C R 3688

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Sarah Elizabeth Slade for herself and her six minor children, Rufus B., William C., Samuel A., Verda E., Jewel, and Velmer Slade; by Rufus M. Johnson for himself and his minor child, Percy Johnson; by Mollie E. McLaughlin, for herself and her four minor children, Arthur G., William R., Charlie C., Herman G. McLaughlin; and by Lone D. Johnson for himself and his brother, John H. Johnson, under the following provision of the act of Congress approved June 26, 1898, (30 Stat., 493):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Samuel Johnson, who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

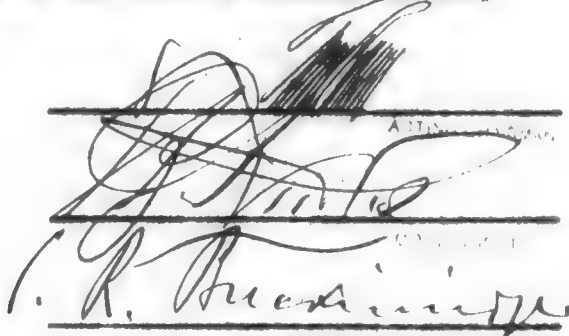
It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provision of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, and from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Samuel Johnson, or ancestors less remote, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said

article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857, (5 Stats. 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Elizabeth Slade, Rufus B. Slade, William C. Slade, Samuel A. Slade, Verda E. Slade, Jewel Slade, Velmer Slade, Rufus M. Johnson, Percy Johnson, Nellie E. McLaughlin, Arthur G. McLaughlin, William R. McLaughlin, Charlie C. McLaughlin, Herman G. McLaughlin, Lene D. Johnson, and John H. Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



J. R. McLaughlin

Muskogee, Indian Territory,

JUL 24 1902

COPY

M C R 3796

Muskogee, Indian Territory, July 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Sarah Elizabeth Slade, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 24th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Sarah Elizabeth Slade, et al.,	M C R 3796
Rufus M. Johnson, et al.,	" 3657
Mellie E. McLaughlin, et al.,	" 3771
Lone D. Johnson, et al.,	" 3658

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Yours truly,

(S. L.)

Through the Commissioner
of Indian Affairs.

1 enclosure.

E. M. L. L. L.
Commissioner in Charge.

COPY.

N C R 3796

Muskogee, Indian Territory, July 24, 1902.

Sarah Elizabeth Slade,

Geoper, Texas.

Dear Madam:

You are hereby advised that on the 23rd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Elizabeth Slade, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Elizabeth Slade, et al.,	N C R	3796
Rufus M. Johnson, et al.,	"	3887
Mellie E. McLaughlin, et al.,	"	3771
Lone E. Johnson, et al.,	"	3658

These applications were made under the provisions of the act of Congress of June 20, 1896 (29 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Elizabeth Slade, Rufus E. Slade, William C. Slade, Samuel A.

Sarah Elizabeth Slade-6

Slade, Verda E. Slade, Jewel Slade, Valmer Slade, Rufus M. Johnson, Percy Johnson, Mollie E. McLaughlin, Arthur G. McLaughlin, William E. McLaughlin, Charlie G. McLaughlin, Herman G. McLaughlin, Lona D. Johnson, and John E. Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered*.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M C R 3796

Muskogee, Indian Territory, July 24, 1902.

Mansfield, McKurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Dear Sirs:

You are hereby advised that on the 24th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Elizabeth Slade, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Elizabeth Slade, et al.,	M C R	3796
Rufus M. Johnson, et al.,	"	3657
Mollie E. McLaughlin, et al.,	"	3771
Lone D. Johnson, et al.,	"	3658

These applications were made under the provisions of the act of Congress of June 23, 1893 (28 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

A, MEM & C-2

Sarah Elizabeth Slade, Rufus B. Slade, William C. Slade, Samuel A. Slade, Verda E. Slade, Jewel Slade, Velmer Slade, Rufus E. Johnson, Percy Johnson, Hollie E. McLaughlin, Arthur G. McLaughlin, William R. McLaughlin, Charlie C. McLaughlin, Herman G. McLaughlin, Lene D. Johnson, and John Johnson, as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered*.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

J. E. ...
Commissioner in Charge.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 44590-1902.

Washington, August 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 24, 1902, by the Commission to the Five Civilized Tribes, forwarding the record relative to the application of the following named persons for identification as Mississippi Choctaws:

Sarah Elizabeth Blade, for herself and her six minor children, Rufus B., William C., Samuel A., Verda E., Jewel and Velmer Blade;

Rufus M. Johnson for himself and his minor child Percy Johnson;

Mellie H. McLaughlin, for herself and her four minor children, Arthur G., William R., Charlie G., and Harman G. McLaughlin;

Lena D. Johnson for himself and his brother John E. Johnson.

Descent is claimed from the following named persons, who are father, grandfather and great grandfather respectively in the order named, of the principal applicant: William Henry Johnson, Rufus Johnson and Samuel Johnson.

A careful examination of the records of this office fails to show that any of the persons from whom descent is claimed, received or attempted to secure the benefits of the Fourteenth

-2-

article of the Treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the decision of the Commission refusing identification to the applicants, be affirmed.

Very respectfully,

Your obedient servant,

WCY
D

A. C. Tonner,

Acting Commissioner.

3 inclosures.

D. C. 14079-1902.

31463

RAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4820-1902.

August 28, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws, of Sarah Elizabeth Slade and her six minor children, Rufus B., William C., Samuel A., Verda E., Jewel and Velmer Slade; of Rufus M. Johnson and his minor child, Percy Johnson; of Mollie E. McLaughlin and her minor children, Arthur G., William R., Charlie C. and Harman G. McLaughlin; and of Lene D. Johnson and his brother, John H. Johnson. The record, including your decision of July 24, 1902, denying the applications, was transmitted with your letter of that date.

The applicants attempt to trace their descent from one Samuel Johnson, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that the alleged ancestor of a less remote ancestor of applicants ever

complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded the papers August 6, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

After a careful examination of the whole case the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

E.M.D.

1 inclosure.

M C R 3796

COPY.

Muskogee, Indian Territory, September 8, 1902.

Mansfield, McMurphy & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Elizabeth Slade, et al., of which decision you were advised by letter on the 24th day of July, 1902.

Yours truly,

Charles C. Murphy,

Acting Chairman,

M C R 3796

COPY.

Muskogee, Indian Territory, September 5, 1902.

Sarah Elisabeth Slade,
Cooper, Texas.

Dear Madam:

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Elisabeth Slade, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

Fame Dixby.

Acting Chairman?

Consolidated Case
of
Sarah E. Slade et al

REFER TO M. O. R.

3796

Samuel Johnson

- DEAD -

Rufus Johnson

- DEAD -

William H. Johnson 1/4

- DEAD -

wife

Nancy E. Johnson

- DEAD -

mcR
3796

Sarah E. Johnson 29/8

married

Garrett D. Slade

mcR
3796

Rufus B. Slade 11

William C. Slade 9

Samuel A. Slade 7

Verda E. Slade 5

Jewel Slade 3

Velmer Slade 1

mcR
3659

Rufus M. Johnson 25/8

wife

Ola V. Johnson

mcR
3659

Percy Johnson 1 m.

mcR
3771

Mollie Johnson 26/8

married

George S. McLaughlin

mcR
3771

Arthur L. McLaughlin 7

William R. McLaughlin 5

Charlie P. McLaughlin 3

Herman G. McLaughlin 1

mcR
3658

Lione D. Johnson 23/8

mcR
3658

John H. Johnson 25/8

For Identification as a Mississippi Choctaw.

Date OCT 21 1901

Name Sarah E. Slade

Age 29 Blood 1/8.

Post Office, Cooper, Texas,

Father: William H. Johnson, d.

Mother: Nancy E. " d.

Claims through father
Husband Esarrett D. Slade, - W.

No claim for husband

Children:

Rufus B. Slade, " 11

William C. " 9

Samuel a. " 7

Verda B (que) 5

Jewel " 3

Velmer " 1

Claim for self &
children

Stenographer

Hal Belford

Choctaw MCR 3797

Harrison Manes

MCR 3797

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

**In the matter of the application for the identification
of Harrison Mares as a Mississippi Choctaw, N. C. N. 3797.**

**List of papers forwarded to the Secretary of the Interior,
comprising the record in the application for the identification
of Harrison Mares.**

Page.

**Original application of Harrison Mares before the Doves
Commission for identification as a Mississippi Choctaw 1**

**Decision of the Commission refusing the application of
Harrison Mares for identification as a Mississippi Choctaw 3**

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 31, 1901.

48797.

In the matter of the application of Gullie J. Beere
for the identification of her minor son, Harrison Manes, as a Miss-
issippi Choctaw.

Applicant not represented by Attorney.

Gullie J. Beere, being first duly sworn, testifies as
follows in reference to the application she makes for her minor son,
Harrison Manes.

Examination by the Commission.

- Q What is your name? A Gullie J. Beere.
Q How do you spell that last name? A B-e-e-r-e .
Q Your full name is Gullie J. Beere? A Yes sir.
Q B-e-e-r-e ? A Yes sir.
Q Your nationality is white? A Yes sir.
Q You are making application for your minor son, Harrison Manes?
A Yes sir.
Q M-a-n-e-s? A Yes sir, M-a-n-e-s .
Q What is your age? A My age? Thirty eight.
Q What is your post office address? A Sherman, Texas.
Q Sherman? A Sherman, Texas.
Q Do you have a street number? A No sir, we have no street number.
Q We have a street. The street is Austin Street---South Austin
Street.
Q How old is your son, Harrison Manes? A Thirteen years old.
Q Eighteen? A Thirteen.
Q Is his father living or dead? A He's dead.
Q What was his name? A His name was Harrison, too.
Q Harrison M-a-n-e-s ? A Yes sir, M-a-n-e-s .
Q Do you claim for your son Harrison through his father---claim
the Choctaw blood through his father? A Comes from his great-
grandfather, on down the line.

(2).

- Q Yes, but through his father? A Yes sir.
- Q How much Choctaw blood do you claim for him? A Well, his great-grandfather claimed about three-fourths.
- Q How much do you claim for Harrison? A Well, I don't know sir, what part it would be.
- Q You say you claim for him through his great-grandfather? A Through his great-grandfather.
- Q What was his great-grandfather's name? A Calloway.
- Q How? A Calloway.
- Q Full name? A Nanes----Calloway Nanes.
- Q O-a-l-l-o-w-a-y N-a-n-e-s? A Yes sir.
- Q He was how much? A Three-quarters Choctaw----Mississippi Choctaw
- Q Harrison claimed through his father----his father claimed through which parent----father or mother? A Through his father.
- Q And his father's name was what? A His father was named Calloway also.
- Q This Calloway Junior then, claimed through his father, Calloway Nanes? A Yes, there was two----the father and the old grandfather was both Calloway, and his son and my son's name are both Harrison.
- Q Was your husband, Harrison Nanes----was he ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities? A I don't know that he ever was.
- Q When and where were you married to him? A Jefferson City, Missouri.
- Q What date? A August 27th, in '76.
- Q By a minister under a license? A By a Notary Public.
- Q When and where was your husband's father and mother married? Well now, I really couldn't say where they were married.
- Q Do you think you can get that evidence if given time? A Yes sir I can get the evidence.
- Q Reasonable time will be allowed you in which to file proof of the marriage of your husband's father and mother. A Yes sir.
- Q What was your husband's father's name? A Calloway Nanes.
- Q Calloway N-a-n-e-s. Did he live in Mississippi? A No, his grandfather----his great-grandfather lived in Mississippi.
- Q That is the other Calloway Nanes? A Yes sir.
- Q Where did your husband die, and when? A My husband died in Sherman.
- Q Sherman, Texas----when? A In '87.
- Q 1887? A Yes sir.
- Q You have married since then have you? A Yes sir.
- Q Was your husband ever married before his marriage to you? A No sir.
- Q Or you before your marriage to him? A To my first husband, no sir.
- Q Is the name of your son on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I suppose not.
- Q Did you ever make application for him for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Or anyone else? A No sir.
- Q Did anyone ever make application for him for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896. A No sir.
- Q Has he ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

- Q Is this the first application that has ever been made for him for citizenship in the Choctaw Nation to either the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of the identification of this son as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Well, I think I do.
- Q You have heard it explained and read, have you? A Yes sir.
- Q You think you understand it now, do you? A Yes sir.
- Q You don't care to have it read again do you? A No, I think I understand the meaning of the treaty.
- Q Well, now, as you have heard it read and explained and understand it, do you know if any of his Choctaw ancestors ever complied or attempted to comply with the provisions of that article fourteen of the treaty of 1830? A Well, I don't know that they ever did, now, but I have heard it said that his great-grandfather spent a great deal of his time among the Indians, but as to his receiving benefits otherwise, I couldn't say.
- Q You mean by that, Galloway Wanes? A Yes sir.
- Q Do you know whether he lived in Mississippi, this Galloway Wanes in 1830? A Yes sir, at that time, but later on they immigrated into Missouri.
- Q In 1830 was he the father of a family of children? A Yes sir.
- Q Did he own any improvements on land in Mississippi or Alabama at that time? A I couldn't say.
- Q Did he go from Mississippi or Alabama to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838? A I think he did---traveled backwards and forwards.
- Q Well, did he go between 1833 and 1838? A Well, I couldn't say because that's farther back than I have any history, but then he traveled backwards and forwards to the States with the Indians.
- Q Did any of the Choctaw ancestors of your son to your knowledge go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they intended to stay in Mississippi and take land there? A I don't know whether they did or not.
- Q Did any of his Choctaw ancestors own or claim any land in Mississippi as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did they ever own or claim any land under any other article of the treaty of 1830 than article fourteen, or under the supplement of that treaty? A I don't know that, either.
- Q According to the provisions of article fourteen of the treaty of dancing Rabbit Creek, the United States Indian Agent, whose name was Colonel Ward, was instructed by the Government to make a list of the names of all Choctaw Indians who claimed benefits under article fourteen, and who came before him within six months after the ratification of that treaty and told him they wanted to stay in Mississippi and take land there. This Agent failed to record the names of most of the Indians who came before him under that article, and as a result of his neglect a good many Indians who claimed land in Mississippi and Alabama had that land taken from them and the improvements also which they had upon the land. This lead to so many complaints that in 1837 a Commission was appointed by Act of Congress approved March 3rd of that year, and this Commission went to Mississippi and heard a great many claimants under article fourteen and made a list of the names of, successful claimants. In 1842 another Commission was appointed by

(4).

Congress for the same purpose, and this Commission made a list of the names of successful claimants under article fourteen. Do you know whether any of the ancestors of your son went before either of these two Commissions and claimed benefits under that article of that treaty? A No sir, I don't know. All I know is what I have been told from the people, but if they ever told me that I might have forgotten—I don't remember.

Q The Act of Congress approved August 23, 1842, provided that in case it should be determined that a Choctaw Indian had complied with these provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, and if it also appeared that his land had been taken from him, that he should be entitled to receive land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from Vacant Government land, and that they should receive scrip to that effect, or certificates called scrip. Do you know if any of the ancestors of this son ever received any such scrip from the Government? A No sir, I don't.

Q Have you any documentary evidence you want to introduce now in support of the claim you are making for him? A No sir, I would like time.

Q You would like time would you? A Yes sir.

Reasonable time will be allowed the applicant in which to file proper evidence in support of the claim she makes for her minor son.

Q Does he speak the Choctaw language? A No sir.

Q What is his personal appearance? A He is very dark, dark hair and dark eyes.

Q Is there anything more you would like to say in support of this claim? A No sir.

Hal Belford, Being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 23 day of November, 1901.

Clara M. Hutton
Notary Public.

G.A.E.
C.W.

COMMISSIONER OF THE INTERIOR,
CONSIDERING THE NEW CIVILIAN TRINITY,

In the matter of the application for the identification
of Harrison Hanes as a Mississippi Choctaw, N. C. R. 2727.

--- DECISION :--

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Nellie J. Hanes for her minor child, Harrison Hanes, under the
following provision of the act of Congress approved June 26, 1906,
(32 Stat., 493):

"This Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, and to grant
and may administer oaths, examine witnesses, and perform
all other acts necessary thereto and make report to the
Secretary of the Interior."

It also appears that said applicant claimed rights in
the Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, by reason of be-
ing a descendant of one Galloway Hanes, who is alleged to

have been a three-fourths blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Calloway Mares, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harrison Mares as a Choctaw Indian entitled to rights in the

Chapter I under the provisions of said article fourteen of
the treaty of eighteen hundred and thirty, and that the applica-
tion for his identification as such should be refused, and it is
so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James E. Fry

Acting Chairman.

(SIGNED)

I. D. Needles

Commissioner.

(SIGNED)

J. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

OCT 13 1902

COPY.

M.C.R. 3797

Muskogee, Indian Territory, October 18, 1902.

Harrison Kanes,
No. Austin Street,
Sherman, Texas.

Dear Sir:-

You are hereby advised that on the 18th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Harrison Kanes, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harrison Kanes as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Harrison Manes-----2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Frank D. [illegible]

Acting Chairman

Registered.

K.C.R. 3797

Maskogee, Indian Territory, October 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 16th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Harrison Manes, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harrison Manes as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments,

H. H. & C. _____

will be forwarded for review to the Secretary of the Interior
through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman

COPY.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Harrison Manes, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of October 18, 1902.

The Commission has the honor to report that the applicant in this case, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Samuel D. Dwyer
Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc., M.C.R. 3797

Miss. Chootaw B3737

Muskogee, Indian Territory, November 7, 1902.

Harrison Manes,

Sherman, Texas,

Dear Sir:

The Commission is in receipt of your letter of November 5, asking for an extension of time for twenty days within which to introduce depositions in support of your application for identification as a Mississippi Chootaw.

In reply to your letter you are advised that the fifteen days from October 18, which were granted you within which to submit argument in your case for the consideration of the Secretary of the Interior through the Commissioner of Indian Affairs, expired on November 2, 1902, and on November 3, 1902, the record in the case was forwarded to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

Waskogen, Indian Territory, December 4, 1908.

Sallie Bear,

Sherman, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 20th ultimo, in which you state that you are the mother of Harrison Manes, who is an applicant for identification as a Mississippi Choctaw, and you give the names of certain parties whose evidence you want to introduce in support of his claim.

In reply, you are informed that the record in this case was forwarded to the Secretary of the Interior for review on November 3, 1908.

Pending action thereon by him, the Commission cannot receive or consider further evidence.

Respectfully,

Acting Chairman.

C. S. P. Y.

Land.
67,802-1902.

Department of the Interior,
Office of Indian Affairs,

Washington, Jan. 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaw of Harrison Manes, wherein a decision adverse to the applicant was rendered by the commission on October 18, 1902.

The testimony in this case shows that the applicant bases his claim to identification as a Mississippi Choctaw under this application because of his descent from Calley Manes. He claims that his ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicant because the name of his ancestor through whom he claims did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Calley Manes, and it is discovered that the name does not appear among the names of those who complied

-2-

or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A.C. Tenner,
Acting Commissioner.

(E.B.H.)

P.

D.C. 4320

C O P Y.

RAF.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD.910-1903.
IRS.

February 9, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I.T

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application of Sallie J. Beere for the identification of her minor child, Harrison Manes, as a Mississippi Choctaw, including your decision of October 18, 1902, adverse to the applicant.

It appears that the applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one Calloway Manes who is alleged to have been a three-fourths blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Calloway Manes, or an ancestor less remote, complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842) 5 Stat., 513).

Forwarding the papers January 24, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has thoroughly reviewed the record in the case and hereby affirms your decision rejecting the applicant.

Respectfully

1 inclosure.

THOS. HYNE.
Acting Secretary

M.C.R. 3797

COPY.

Muskogee, Indian Territory, February 21, 1903.

Harrison Manes,
So. Austin St.,
Sherman, Texas.

Dear Sir:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Cheetaw of Harrison Manes, of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

James L. Doby
Acting Chairman.

M.C.R. 3797

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Harrison Manes, of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

Tame Dixby.
Acting Chairman.

M C R 3797

Muskogee, Indian Territory, February 28, 1903.

Sallie Beer,
South Austin Street,
Sherman, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th instant, relative to the decision of the Commission refusing the application of your son, Harrison Manes, for identification as a Mississippi Choctaw.

In reply to your letter you are informed that the Secretary of the Interior, on February 9, 1903, approved the decision of the Commission refusing the application of your son, and the Commission now considers this case closed.

Respectfully,

Chairman.

No. 3797

For Identification as a Mississippi Choctaw.

OCT 21 1901

Date

Name *Sallie J. Beere for*
one minor son,
Age *38* Blood *white*

Post Office, *Sherman, Texas*
50 Austin St.

Father: *Harrison Manes, d*

Mother: *Sallie J. Beere, l.*
for son
Claims through *father*

Children:

don't know child
Harrison Manes, 13

Stenographer *W. B. Belford*

Choctaw MCR 3798

William Tom

MCR 3798.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of William Tom (Con-
che-ha-tubbee), for identification as a
Mississippi Choctaw M C R 3798.

---o---

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of the application of William Tom (Con-che-
ha-tubbee) for identification as a Mississippi Choctaw, M C R 3798.

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---: I N D E X :---

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--o--

3498

Department of the Interior,
Commission to the Five Civilized Tribes,
Bay Spring, Mississippi, October 16, 1901.

In the matter of the application of William Tom for the
identification of himself as a Mississippi Choctaw.

William Tom, having been first duly sworn, upon his oath
testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A William Tom.
Q Have you a Choctaw name? A yes sir.
Q What is it? A Con-che-ha-tubbee.
Q How old are you? A 68.
Q What is your post office address? A Bay Spring, Mississippi.
Q How long have you lived at Bay Spring? A Eight or nine years.
Q Where did you live before that? A Talihoma.
Q How long did you live there? A Going on 20 years.
Q Where did you live before that? A In Newton County.
Q How long did you live there? A That was where I was raised.
✓ Q How much Choctaw blood do you claim to have? A Full blood.
✓ Q Is your father living? A No sir.
✓ Q What was his name? A Tubbish.
Q Is that the only name he had? A Tubbish Tom.
✓ Q Was he a full blood too? A Yes.
Q How old would he be if he were living now? A About 100.
✓ Q Is your mother living? A She died after my father did.
✓ Q What was her name? A Sallie.
Q How old would she be if she were living now? A About the same
age- about 100.
Q Did your father and mother always live here in the State of Miss-
issippi? A Yes.
Q Neither of them ever lived in Indian Territory did they? A
Me and my father went out to the Territory, but came back within a
year.
Q How old were you when you went there? A Suppose I was 20 years
old.
Q Did you get any money out there from the Government? A Yes sir.
Q How much? A \$400.
Q That is the two of you got \$400.? A No, I didn't get any.
Q Who did? A My father.
Q None of it was for you then? A No.
Q Was that the only time you were ever in Indian Territory? A Yes.
Q And you only stayed there about a year then? A Less than a year.
Q Are you married? A Yes, but my wife been dead sometime.
Q Have you any children living? A No.
Q This application then is for yourself only, is it? A Yes.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory
A Long time ago I suppose.
Q You think possibly your name might have been enrolled when you
went out there as a young man about twenty years old? A Yes.

William Tom, 2.

Q Did you ever make any application to the Choctaw tribal authorities in Indian Territory, to be admitted or enrolled as a member of that tribe? A No.

Q Did you, in the year, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No.

Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court for the Indian Territory, have you? A No.

Q Have you ever made any application of any description prior to to-day to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No, don't know much about it.

Q You don't understand the fourteenth article of the treaty of Dancing Rabbit Creek, then? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At that time, the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi River, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to remove to the new country west of the Mississippi River, but preferred to remain here, and they insisted that provision be made in the treaty whereby they might be permitted to remain here in Mississippi, and for the benefit of those who wanted to stay here, the 14th article was put in the treaty. An article is a part or sub-division of a treaty. The fourteenth article of the treaty of Dancing Rabbit Creek is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with them over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to be come citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. persons who claim under this article

William Tom, 3.

shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand, now, that these requirements of the 14th article, apply to Choctaws who were living here in 1830, 71 years ago; do you understand that? A Yes sir.

Q Do you think, now, that you understand this 14th article of the Treaty of Dancing Rabbit Creek? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A Don't know.

Q Were your father and mother living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A In Mississippi.

Q Do you know where they were living? A Newton County.

Q Do you know whether either of them owned an improvement there at that time? A Don't know.

Q Do you know whether they were recognized members of the Choctaw tribe of Indians at that time? A No.

Q Do you know whether either of them, within six months after the treaty of Dancing Rabbit Creek was ratified, signified to the United States agent for the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A Don't know.

Q Did either of them ever claim or receive any land here in Mississippi under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No.

Q Did either of them ever receive any benefits whatever from the Government of the United States as Choctaw Indians, except the money received by your father in Indian Territory, about which you have already testified? A No.

Q Did either of them ever own any land here in Mississippi? A No.

Q Did you ever hear of any of your ancestors ever owning any land here in Mississippi? A No, I don't know whether they ever owned any land or not.

Q So far, as you know, none of them ever owned any land here? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the States under the article. The records of the Government show that that agent failed to record and report to the Government the names of many Indians who did in fact signify to him their intention to remain here and become citizens. On this account the Government at its public land sales, in many instances, sold land upon which these Indians had improvements and which they supposed they would receive from the Government under the provisions of article 14 of the treaty. This action of the Government in selling lands upon which Choctaws lived and had improvements, and which they supposed they would receive under the provisions of article 14 of the treaty of Dancing Rabbit Creek caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress. Congress passed an Act which was approved the third day of March 1837, providing

William Tom---4

for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their lands had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the Act of Congress under which they were appointed and a subsequent act approved February 22nd, 1838, providing for their continuance, they were unable to dispose of but a small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings and another act was passed which was approved on the 23rd day of August, 1842, providing for a second Commission to come down here and finish up this work. This Commission was appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should be entitled to select land in lieu thereof elsewhere in Mississippi or in Louisiana, Arkansas, or Alabama, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under this act of Congress? A I don't know. Never seen it.

Q You never heard of any of them ever getting any scrip, did you? A No.

Q So far as you know none of your ancestors ever received any land here in Mississippi or elsewhere from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No.

Q Do you know anyone living who would likely know as to whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Don't know. Nobody has ever told me anything about it.

Q You have no witnesses here today, have you? A No.

Q Have you any written evidence of any kind that you want to offer? A No.

You will be allowed a reasonable time in which to offer proper written evidence in this case, in case you should see fit to offer any or in case you have any witnesses they may appear before the Commission within a reasonable time and their testimony will be taken.

William Tamm, S.

- Q Do you know of the existence of any written evidence which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No.
- Q Did your mother have a Choctaw name? A I reckon so, but I never did know it.
- Q Do you know the name of your father's father? A I can't think of that.
- Q Do you know the name of your father's mother? A No.
- Q Do you know the name of your mother's father? A No, never seen him.
- Q Do you know the name of your mother's mother? A No.
- Q Did you ever see any of your grand parents? A No.
- Q Do you know the names of any of your ancestors further back than your parents? A D n't know.
- Q Did any of your children ever grow to manhood or womanhood?—did they ever grow up? A I had one daughter that grew up and married and had children.
- Q Are those children living? A Yes, there are four children, but don't know none of their names and haven't seen them.
- Q Where do they live? A Scott County.
- Q What was your daughter's name? A Been died so long, I can't think of it.
- Q What was her husband's name? A Henry Harbit.
- Q Is he a Choctaw? A Yes.
- Q Full blood? A Yes.
- Q You don't know the names of any one of those children? A No.
- Q Do you know Harbit's post office address? A No.
- Q Has he any other name than Henry Harbit? A D n't know.
- Q Have you any brothers living? A Used to be two, one was living and went off and never did see him.
- Q Did he have any family? A No, single.
- Q What was his name? A Sene-hubbe.
- Q When did he leave this country? A About ten years ago.
- Q Did he have an English name too? A John Parker.
- Q Do you know where he went? A I heard of him the other side of Laurel.
- Q Do you know whether he has been before the Commission? A I don't know.
- Q Is he older than you or younger than you? A Younger.
- Q About how old is he? A About fifty.
- Q When did your other brother die? A Over ten years ago.
- Q Did he leave a family? A No, — left his wife, but his wife died since then.
- Q What was that brother's name? A Ha-han-ubbe.
- Q Did he have an English name? A Billy.
- Q Billy what? A Just Billy.
- Q Did you ever have any sisters? A Yes.
- Q How many? A One.
- Q Is she living? A Yes.
- Q What is her name? A Sockey.
- Q Sockey what? A Sockey John.
- Q Where does Sockey live? A Six miles from here.
- Q How old is she? A Sixty years old.
- Q Has she been before the Commission? A Her husband has.
- Q How many children have they? A Four living.
- Q What are their names? A Jack, Joshua, Martha.
- Q What is the name of the other child? A John Henry.

William Tom, 6.

Q Two boys and two girls? A No, three boys and a girl.
Q Did you ever have any other sisters? A That is all.
Q Are there any further statements you want to make at this time?
A No.

(This applicant has every appearance and characteristic of a full blood Indian. He speaks and understands the Choctaw language, and but very little English, the examination having been conducted entirely through a sworn Choctaw interpreter.)

Ira S. Niles, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 17th day of October, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Ira S. Niles
Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

Row
In the matter of the application of William Tom (Con-che-ha-tubbee) for identification as a Mississippi Choctaw, M C R 3798.

-----: D E C I S I O N :-----

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on October 16, 1901, by William Tom, (Indian name, Con-che-ha-tubbee), for himself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full-blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, " approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all

full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that William Tom (Con-che-ha-tubbee) should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


C. A. Hutchinson.
Commissioner.

Muskogee, Indian Territory,

APR 27 1903

COPY.

H.C.R. 3798

Muskogee, Indian Territory, April 27, 1903.

Hansfield, McMurray and Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying William Tom (Can-che-ha-tubbee) as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said William Tom (Can-che-ha-tubbee) as a Mississippi Choctaw and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED,

Tamm Dixby.

Chairman.

Registered.
Enc 3798

COPY.

M.C.R. 3798

Muskogee, Indian Territory, May 6, 1903.

William Tom, (Con-she-ha-tubee)
Bay Spring, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED:

Tama Bixby.
Chairman.

Registered.

Enc. 3798.

#1967

No. 798

For Identification as a Mississippi Choctaw.

Date Oct. 16, 1901

Name William Tom

On-cha-ha-tubbe

Age 68

Blood

pure

Post Office, Bay Spring, Miss.

Father: Jobbish Tom

d

Mother: Sallie

"

d

Claims through both parents.

(Claims for himself only)

Children:

Stenographer

S. Hiles

Choctaw MCR 3799

Cora Vaughan

See MCR 3772

MCR 3799

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 21, 1901.

#3770

In the matter of the application of Cora Vaughan for the identification of herself and her three minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Cora Vaughan, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q What is your name? A Cora Vaughan.
Q Y-a-u-g-h-a-n? A Yes sir.
Q What is your age? A Twenty-six years old.
Q What is your post office address? A Randolph.
Q What? A Randolph.
Q Randolph? A Yes sir.
Q Texas? A Yes sir, Fannin County, Texas.
Q How long have you lived in Randolph, or near there? A Four years.
Q Where did you live before that? A We lived---well we lived in Fannin County three years before that, down about eleven miles below that place, in Fannin.
Q In Fannin County? A Yes sir.
Q Where were you born? A In Grayson County.
Q In Texas, Grayson County? A Yes sir.
Q And from there did you go to Fannin County? A Yes sir.
Q Never lived in any other State? A No sir.
Q What is your father's name? A John Marshall Holloway.
Q John M.? A Yes sir.
Q Is he living? A Yes sir.
Q What is your mother's name? A Eliza Holloway.
Q Is she living? A Yes sir, she's living.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A Well, my mother is an

(3).

- eighth.
- Q Do you claim an eighth, or do you----A She claimed an eighth.
- Q You claim half of that----how much is that? A Yes sir, the sixteenth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by either the Choctaw Tribal Authorities or the United States Authorities? A Yes sir, her grandfather---her great-grandfather was a half blood Indian.
- Q She hasn't been recognized in the Territory has she----here in the Indian Territory? A Yes sir.
- Q She never lived here, did she? A No sir, she never lived here.
- Q Then she hasn't been recognized as an Indian here, has she? Put on the tribal rolls and voted with them and lived with them? A No sir.
- Q Well, she hasn't been made a member of the tribe? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Dave Vaughan.
- Q David? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q Have you any children you want to make application for? A I have three children.
- Q What is the name of the oldest? A Henry Vaughan is the oldest one's name.
- Q How old is he? A He's eight years old.
- Q The next? A Clayburn Vaughan.
- Q What? A Clayburn Vaughan.
- Q C-l-a-y-b-u-r-n? A B-u-r-n.
- Q How old? A He's seven years old.
- Q Next? A Florence Vaughan.
- Q How old is she? A She's three years old.
- Q Is David Vaughan the father of these children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q They live with you at your home do they? A Yes sir.
- Q You claim for yourself and these children? A Yes sir.
- Q When and where were you married to your husband? A I was married at Sherman, the sixteenth of December, in 1890----Sherman, Grayson County, Texas.
- Q By a minister and under a license? A Under a license.
- Q By a minister? A Yes sir.
- Q Have you the marriage license of your father and mother----of their marriage? A No sir, I haven't now.
- Q Or any proof of their marriage? A Yes sir, I can get proof of their marriage.
- Q If given time you can prove that, can you? A Yes sir.
- Q You will be given time in which to introduce testimony or evidence in proof of their marriage----proving their marriage. Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A Not till now----never have.
- Q You are now applying to the Dawes Commission, not the Choctaw Tribal Authorities. Did you ever apply for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or your children been admitted to citizenship in the

(3).

Choctaw Nation by the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Is this the first application that you have ever made for yourself and children for citizenship in the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.

Q Do you now come before this Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

Q You understand that treaty do you? A Yes sir.

Q The treaty of 1830 was entered into between the United States Government and the Choctaw Indians on the twenty-seventh day of September, of that year, at a place called Dancing Rabbit Creek in Mississippi. The object of the treaty was the removal of all of the Choctaw Indians who lived in Mississippi and Alabama in the old Choctaw Nation, to the new Choctaw Nation Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their rights and interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

Q Do you understand that article now after it is read and explained to you? A Yes sir.

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A Never did till now.

Q Not any of your ancestors, any of your kin-folks away back there in 1830----did they try to comply with it? A Yes sir.

Q Well, do you know that they did? How do you know they did? A I have been taught that they did.

Q What did they do to try to comply with it, do you know? A Well, by being there, kin people to the Indians.

(4).

- Q I guess you don't perhaps understand. Did any of them go to the United States Indian Agent, whose name was Colonel Ward, and who lived in Mississippi in 1830, and tell him that they intended to stay in Mississippi and take land there, and become citizens of the States? A I don't know.
- Q You don't know about that? A No sir.
- Q Can you give me the name of any of your Indian ancestors who lived in Mississippi in 1830? A Yes sir, William Allen lived there.
- Q William Allen---what was his son's name? A Green Allen.
- Q How much Choctaw blood did William Allen have? A He is said to have----to be half Indian.
- Q Half Indian? A Yes sir.
- Q Did he live in Mississippi in 1830? A Yes sir.
- Q Was he the head of a family there then? A Yessir.
- Q You claim through your mother? A Yes sir.
- Q How old is your mother now? A I don't know exactly what her age is.
- Q When was she born, do you know? A No sir, I don't know when she was born.
- Q Where was she born? A In Louisiana.
- Q She claimed through which parent----father or mother? A Her mother.
- Q Is her mother dead? A Yes sir, her mother's dead.
- Q When did she die? A She's been dead about twenty-five years.
- Q How old was she when she died? A I don't know how old she was.
- Q Do you know where she was born? A No sir, I don't know.
- Q Do you know if she ever lived in Mississippi? A I don't know for certain whether she did or not.
- Q Her father's name was what? A Allen.
- Q Green Allen? A Yes sir.
- Q Was that her father's name? A Yes sir.
- Q Did he ever live in Mississippi? A Yes sir, he lived in Mississippi.
- Q Was he born in Mississippi? A Yes sir.
- Q Do you know when? A No sir, I don't know when.
- Q Was his father born in Mississippi, William Allen? A Yes sir.
- Q Do you know when and where? A No sir, I don't know.
- Q Do you know when and where William Allen died? A I don't know for certain where he died.
- Q Do you know when and where Green Allen died? A No sir, I don't know for certain where he died.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know whether they did or not.
- Q Did any of your ancestors if Choctaw Indians go from Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A My great-great-grandfather claimed land there.
- Q Who was that----William Allen? A Yes sir.
- Q In Alabama or Mississippi? A Mississippi.
- Q Did he live on land there? A Yes sir.
- Q When did he live on land in Mississippi? A It was in 1830.
- Q What became of that land? A I don't know.
- Q What proof have you that he had land in Mississippi in 1830? A I have just been taught that he had.
- Q Who told you? A My folks has always taught me.

(5).

- Q Your father and mother? A Yes sir.
- Q Well, if he had land in Mississippi in 1830, didn't he have improvements on that land----houses, barns, and so on? A I don't know whether he did or not.
- Q Have you any other proof except your statement that he had land in Mississippi from the Government in 1830? A No sir.
- Q Did you ever see any deed or patent of land held by him? A No sir, I never seen him, and never seen any of it at all.
- Q Did any of your Choctaw ancestors ever receive any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know whether they did or not.
- Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the United States Indian Agent, Colonel Ward, who lived in Mississippi in 1830 was instructed by the Government to make a list of the names of all Choctaw Indians who claimed benefits under article fourteen of the treaty of 1830 and who went to him within six months from the ratification of that treaty and told him that they intended to stay in Mississippi and take land there. This Agent failed to record the names of the greater number of Choctaw Indians who came to him and declared their intentions under article fourteen of that treaty, and as a result of his neglect a great many Indians who held land in Mississippi upon which they had improvements had both land and improvements taken from them by the Government and they were sold at public land sales. This caused a great many complaints among the Indians, so that in 1837 Congress appointed a Commission, which went to the State of Mississippi and heard claimants under article fourteen and made a list of the names of all successful claimants. In 1842 another Commission was appointed by Congress to go to Mississippi for the same purpose and this Commission also made a list of the names of all successful claimants under article fourteen of that treaty. Did any of your ancestors claim any benefits under either the Commission of 1837 or the Commission of 1842 as Choctaw Indians? A I don't know.
- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 if it further showed that he ----if it further was proven that his land had been taken from him, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant Government land, and that a certificate should be issued to all claimants to that effect. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government? A No sir, I don't know for certain.
- Q Have you any documentary evidence that you want to introduce now in support of your claim? Any papers with you? A Yes sir, I have papers here.

The application of Cora Vaughan presented by applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

(6).

Q Have you any other testimony or evidence of any kind? A No sir.

Reasonable time will be allowed this applicant in which to file additional testimony, or offer further evidence in this case if she desired to do so.

Q Do you speak or understand the Chectaw language? A No sir.
Q Is there anything further you can think of that you want to say?
A No sir, I believe not.

This applicant has the appearance and physical characteristics of being descended from White parentage. She had medium light complexion, blue eyes, light brown hair. Does not understand or speak the Chectaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830. This claimant is descended from the same common ancestor as Isaac B. Allen, Joseph T. Spurlin, Dixon G. Spurlin, John A. Waldrop, Achilles A. Waldrop, Emet Holloway, Mary E. McGurdy, Linna B. Dedson, Prudie E. Wooten, Sallie Watts, Eliza Holloway, Mary M. Waldrop, Elizabeth I. McMahon, Louisiana A. Holloway, Green A. Martin, Fannie E. Hall, Mary E. Franklin and Kate O. Watts.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on October 21, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 23 day of November 1901.

Charles M. [Signature]

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. B. BRACKENRIDGE.

ALLISON L. ATLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3799.

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

Muskogee, Indian Territory, December 6, 1902:

Cora Vaughan,

Randolph, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3789
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3844
Clara P. Duke, et. al.,	M	C	R	3825
John G. Allen, et. al.,	M	C	R	3828
Charlie A. Allen, et. al.,	M	C	R	3824
James T. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3827
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3808
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3847
Achilles A. Waldrop,	M	C	R	3848
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3845
Dixon G. Spurlin,	M	C	R	3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

COPY.

M.C.R. 3799

Mustang, Indian Territory, March 24, 1903.

Osceola Vaughan,

Randolph, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED).

James Bixby.

Chairman.

No. 3739

For Identification as a Mississippi Choctaw.

OCT 21 1901

Date

OCT 21 1901

Name Cora Vaughan

Age 26

Blood

1/6

Post Office, Randolph, Texas.

Father: John M. Holloway, Jr.

Mother: Eliza " "

Claims through Mother
Husband - David Vaughan, Jr.

No claim for husband,

Children:

Henry Vaughan, 8
Clayburn " 7
Florence " 3

Claims for self
& children

Stenographer Cal Bedford,

Choctaw MCR 3800

John W. Lipsey

MCR 3800

See MCR 3494, 4698, 5545
5547, 5546, 5548, 5549, 5348
5349, 5393, 4617, 4751, 4616
4749, 5318, 5319, 5320, 5414, 5415
5417, 5418, 5416, 4533, 5413, 4538
4750, 4540, 4534, 5000, 4319, 4326
4327, 4615, 4539, 3795, 4637, 4536
4532, 4535

R-3800

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3800.

In the matter of the application of John W. Lipsey
for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

John W. Lipsey, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q Your full name is what? A John Washington Lipsey.
Q L-i-p-s-e-y? A Yes sir.
Q What is your age? A I am sixty-five---I was born in '36.
Q What is your post office address? A Memphis, Tennessee, corner
Saxon & Harry.
Q Corner Saxon & Harry? A Yes sir, corner of S-a-x-o-n and H-a-r-r-y.
Q How long have you lived in Memphis, Tennessee? A My last resi-
dence there commenced the 22nd of last January.
Q You are a Minister of the Gospel? A Minister of the Gospel, yes.
Q Of what Church? A The Baptist.
Q Where were you born? A I was born in Georgia---Harris County.
Q What place in Georgia? A Harris County. It was out in the
country, there was no town there.
Q How long did you live there? A From '36, my birth, till '59. My
father moved them to South Alabama.
Q Where---to South Alabama? A Russell County.
Q How long did you live there? A About nine years.
Q And from there you went where? A To North-West Mississippi.
Q And you lived in Mississippi how long? A Up---let me see,-----
from '60 to '90, except a year I lived in Memphis in that time
and what time I was in college, but I suppose Mississippi was my
home during my collegiate life.
Q And you had charges in Mississippi? A Yes sir.
Q In different places throughout the State? A Yes sir.

(2).

- Q But up to that time you lived in Mississippi? A Yes sir.
- Q Then you went where? A To Arkansas.
- Q And how long were you in Arkansas? A About eight years.
- Q Having different charges in that State, I suppose? A Yes sir.
- Q And then you went where? A I moved back to Memphis, Tennessee.
- Q And last past, how many years have you been in Tennessee? A Now when I went from Arkansas I moved out in a suburban part and then I moved back to town. A About three years last January the last time I have lived in Memphis.
- Q And that is your residence now, in that state? A Yes sir, that's my home.
- Q And you have had different charges at different places in that State? A Yes sir.
- Q What is your father's name? A You want his full name?
- Q Yes sir. A Hezekiah W. Lipsey.
- Q Hezekiah? A Yes, H-e-z-e-k-i-a-h.
- Q Is he living? A No sir, he's dead.
- Q Is your mother living, or dead? A No sir, she's dead.
- Q What was her name? A Elizabeth Booth Lipsey.
- Q Through which parent do you claim Choctaw blood? A The mother.
- Q How much Choctaw blood do you claim? A She was about one-eighth.
- Q And you would be half of that---one-sixteenth? A Yes sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities? A If she was I am not aware of it.
- Q When and where were your father and mother married? A They were married in Georgia, in Dawson County---I have the family record with me if you need it.
- Q You have it here to file have you---the record of their marriage? A Well, I didn't know whether you wanted to file it the way it was.
- Q Is it certified to? A No sir, it's nothing more than the family record.
- Q In what shape is it? A It's in the shape of a register. It's considerably worn and I have it copied in a book that I brought along. The record was wearing out and we put it in book form for preservation. It's right ancient.
- Q This is in not quite the proper form to file. If you wish you can get a certified copy of this made. You stated, or were about to state when they were married from your recollection? A In---well, this will give it definite, but I think it was either January or February, 1828.
- Q And you have the family record which you propose to introduce by a certified copy, haven't you? A Yes sir, of the date of their marriage and the minister's name.
- Q You claim all of your Choctaw blood through your mother? A Yes sir.
- Q You claim none through your father? A None at all.
- Q When did she die? A She died May 9, '89.
- Q How old was she when she died? A She was born in 1808 and died in 1889---she was in her eighty-first year.
- Q Do you know where she was born? A Yes sir.
- Q In what state? A She was born in Georgia.
- Q And what place in Georgia? A I can't call it just now. I believe it was Jones County.
- Q She was born sometime before 1830 wasn't she? A Yes sir, she was born in 1808.
- Q 1808 in Georgia? A Yes sir, I am positive about the year.

(2).

- Q But up to that time you lived in Mississippi? A Yes sir.
- Q Then you went where? A To Arkansas.
- Q And how long were you in Arkansas? A About eight years.
- Q Having different charges in that State, I suppose? A Yes sir.
- Q And then you went where? A I moved back to Memphis, Tennessee.
- Q And last past, how many years have you been in Tennessee? A Now when I went from Arkansas I moved out in a suburban part and then I moved back to town. A About three years last January the last time I have lived in Memphis.
- Q And that is your residence now, in that state? A Yes sir, that's my home.
- Q And you have had different charges at different places in that State? A Yes sir.
- Q What is your father's name? A You want his full name?
- Q Yes sir. A Hezekiah W. Lipsey.
- Q Hezekiah? A Yes, H-e-z-e-k-i-a-h.
- Q Is he living? A No sir, he's dead.
- Q Is your mother living, or dead? A No sir, she's dead.
- Q What was her name? A Elizabeth Booth Lipsey.
- Q Through which parent do you claim Choctaw blood? A The mother.
- Q How much Choctaw blood do you claim? A She was about one-eighth.
- Q And you would be half of that---one-sixteenth? A Yes sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities? A If she was I am not aware of it.
- Q When and where were your father and mother married? A They were married in Georgia, in Dawson County---I have the family record with me if you need it.
- Q You have it here to file have you---the record of their marriage? A Well, I didn't know whether you wanted to file it the way it was.
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- Q How old was she when she died? A She was born in 1808 and died in 1889---she was in her eighty-first year.
- Q Do you know where she was born? A Yes sir.
- Q In what state? A She was born in Georgia.
- Q And what place in Georgia? A I can't call it just now. I believe it was Jones County.
- Q She was born sometime before 1820 wasn't she? A Yes sir, she was born in 1808.
- Q 1808 in Georgia? A Yes sir, I am positive about the year.

(3).

- Q Now who of your ancestors lived in the State of Mississippi? A At that time?
- Q At that time or before that time----any time. A Well, my father and mother moved to Mississippi at a subsequent date.
- Q They moved to Mississippi? A Yes sir.
- Q Was your father married in Mississippi in 1830? A No sir, he wasn't at that time.
- Q Are you making application for any minor children who are under twenty-one and unmarried? A No sir, my children are all grown. My own children are all grown.
- Q You claim for yourself alone then? A Yes sir. I have some grandchildren living with me, but whether they would come under that head or not---orphans.
- Q Do you want to make application for them? A Yes sir.
- Q They are orphans and you are caring for them? A Yes sir, they are living with me.
- Q How many? A Three.
- Q They are your grandchildren, are they? A Yes sir.
- Q Their father and mother both dead? A No sir, their father's living.
- Q Where is he? A He's in Memphis.
- Q He will have to make application for them then, unless you are appointed guardian.
- Q Nothing more than the father's consent.
- Q Is he helping to support them? A Yes sir.
- Q Well, he would have to make application for them then. That is, under the rules of the Commission. A Yes sir. Of course I expect to abide strictly by the regulations.
- Q If you had been appointed their legal guardian you could make application for them. A I am not. The only point of that, the mother on her death-bed gave them to my wife as her children.
- Q He is helping to support them now? A Yes sir, I claim no legality over them. Just a matter of paternal feeling.
- Q They are not really orphans when their father is living and lives in Memphis and helps to support them. Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A If it is I am not aware of it.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A I did not.
- Q Did you ever make application to the Daves Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A I did not unless you call this an application.
- Q Well, this was five years ago? A Well, nothing only I have been in correspondence recently with the Commission, but made no application until now.
- Q This is the first application for citizenship in the Choctaw Nation you have ever made to any authority, either the Choctaw Tribal Authorities or the United States Authorities? A This is the first.
- Q Do you now make application for identification as a Mississippi Choctaw claiming an interest in the lands in the Choctaw Nation, Indian Territory, under article fourteen of the Treaty of 1830? A I do, but let me get a little explanation of that Mississippi Choctaw. My understanding was all of the Choctaws East of the Mississippi River. I don't know about that. I don't want to leave a wrong impression. The testimony to my mind is they were Choctaws, which there is sworn testimony there of a lady who is older and knows more about it than I do, but now about the Mississippi department, I don't know about how far that comprises.
- Q Before entering into an explanation of article fourteen of the

(4).

Treaty of 1830, I will read you this authority which is contained in a part of Section twenty-one of the Act known as the Curtis Bill, which empowers this Commission to hear and to identify the Choctaw Indians claiming rights in the Choctaw lands. Quoting from Section twenty-one of the Curtis Bill:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

You will notice that this authority contained in this Act known as the Curtis Bill empowers the Commission to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty. Now if that is the full authority of the Commission, the question as to the actual residence of Mississippi Choctaws at present does not enter into the question of the rights of applicants to come here to be identified, provided applicants who come here claim to be descended from Mississippi Choctaws who lived in Mississippi in 1830, or previous thereto or thereafter, and who furthermore complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. Now the treaty of 1830 was entered into between the Choctaw Indians and the United States Government at a place called Dancing Rabbit Creek, in the State of Mississippi, on the twenty-seventh day of September of that year, and was made for the purpose of effecting the removal of all of the Choctaw Indians who lived in the old Choctaw Nation, which was partly in the State of Mississippi and in a small portion of the State of Alabama, along the western boundary line, from that nation to the new Choctaw Nation, Indian Territory. The reason why the Government desired to remove all the Choctaw Indians from the old Choctaw Nation was that their statutes, their rights was not recognized by the encroachments of the States of Mississippi and Alabama, and therefore they had no rights. They appealed to the Government to protect them, and the Government said that they could not interfere with the rights of the States, of a sovereign state, and said that in order that they might have rights unmolested by the encroachments of the white people, they should remove to a territory known as the Indian Territory, where the Choctaw Nation would be established, and where the Indians had complete jurisdiction, and where if they removed they could set up their Tribal Government and would be protected by the United States, because they would then have the power to protect them. So in order to bring about this removal under the suggestions of the Government the treaty of 1830 was entered into. But before it was signed by the representatives of both nations it became apparent that a good many Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests they, both the Indians who were going and the Indians who remained insisted that something should be put into that treaty to protect the interests of the Mississippi Choctaws, that is, the Ches-

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taws who stayed back there in Mississippi and Alabama, otherwise it wouldn't be signed, so article fourteen was drafted, was submitted to the representatives of the United States Government and the representatives of both factions of the Indians. It was satisfactory to everybody and it was incorporated as a part of the treaty, and afterwards the treaty then was signed by representatives of the United States and representatives of the Choctaws. Now article fourteen as put into the treaty and adopted, reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be over ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

When these original Indians went, under the treaty of 1830, among other things that they could have in this country, aside from the fact that they had land in common was that the Government gave them money, so much money a year, and they had that for a number of years, limited by the articles of the treaty of 1830. Those Indians who stayed back and did not come, took their land in Mississippi, that land was in lieu of the money consideration which the other people did receive. They couldn't receive it. They could sell that land in Mississippi and take the money as their own, but all they could get if they sold the land and came to the Indian Territory, would be an interest in the land. You claim under that do you? A Yes sir, I think I do. This is the first time I have understood it. The Commission has been writing to me but I didn't have the Commission with me to explain it as you have. But if there was any land granted to my parents I think my mother would have mentioned it. My mother was a woman who took a great deal of interest in her ancestors, but she never mentioned anything of that kind, and as I understand it now, I apply as a representative who did not receive those benefits.

Q That is as a descendent of a Choctaw Indian who stayed back there in 1830, who did comply with article fourteen of the treaty of 1830? A With that understanding, I can give that as my testimony.

Q Do you know after having this read to you and explained whether or not you could testify that any of your Choctaw ancestors complied with or attempted to comply with the provisions of article fourteen as read and explained to you? A There is nothing in our

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- tradition or history or conversation that would lead me to think they did. If there is anything of it I don't know.
- Q At present you are not able to testify that any of them did comply? A No sir, unless it was these Booths who are referred to in the records.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830, or any time before that? A Nothing that I know of.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified now? A The farthest back that we can go do you mean?
- Q Yes sir. A John Booth or Boothe, I don't know which.
- Q John B-o-o-t-h or t-h-e? A Yes sir. Now that was my great-grandfather..
- Q You claim through your mother? A Yes sir.
- Q She claimed through which parent, father or mother? A She claimed through her mother, and her mother was a daughter of John Both.
- Q She claimed through her mother----what was her mother's name? A Sarah Booth.
- Q Sarah Booth? A yes sir, the same as on the record.
- Q Her maiden name was Booth then, was it---your mother's name? A Yes sir.
- Q Her name was Elizabeth Booth? A Elizabeth Booth Walker was her maiden name. Her mother, Sarah Booth, married George W. Walker.
- Q Now how much Choctaw blood did Sarah Booth have? A One-fourth to the best of my information.
- Q She claimed through which parent---father or mother? A Father.
- Q And he was John Booth or B-o-o-t-h-e? A Yes sir.
- Q That is as far back as you go, is it? A Yes sir, my great-grandfather. This man was nicknamed "Black John" on account of his color.
- Q John Booth was nicknamed Black John? A Black John Booth.
- Q How much Choctaw blood did he have? A One-half.
- Q Did he have an Indian name that you ever heard? A Well, if it wasn't John Booth I don't know that he did.
- Q That would be an English name? A Is it.
- Q Did he speak the Choctaw language? A I don't know sir.
- Q Did he ever live in Mississippi? A I might add there I presume he did from the circumstances.
- Q Is it a matter of tradition that he lived in Mississippi? A No sir. If he did I don't know it.
- Q Is it a matter of family history that he understood or spoke the Choctaw language? A No sir, that is only my inference from where he was born and raised.
- Q Do you know when he died or where he died? A He died in Georgia but when I don't know.
- Q Do you know when and where he was born? A No sir.
- Q His daughter, Sarah Booth----can you tell anything about her birth when it was or where it was? A No sir. I have seen her and been under her care and thrown with her, but her birth I couldn't say. I could tell, too.
- Q Did she ever live in Mississippi? A I don't know sir, that she did. I can't say whether that is her name on the register or another Sarah Booth. I couldn't say about that.
- Q Can you tell when and where she died? A Yes sir, she died in Georgia, about the breaking out of the Civil War. It would have been somewhere not far from '60.
- Q How old was she when she died? A She was about seventy-four

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- years old, is the best information I can have.
- Q You don't know that she ever lived in Mississippi? A No sir, I do not.
- Q She was your grandmother? A My great-grandmother, yes sir. My maternal.
- Q Who of your ancestors lived in Mississippi? A At what time Judge?
- Q Well, in 1830, or any time before that? A I don't know sir, before that.
- Q After that? A That is before my birth.
- Q Yes, after that, at any time? A Well, my father and mother, moved to Mississippi after they were married, and were residents there for quite a number of years.
- Q Well, now, did any of your Choctaw ancestors, to your knowledge, ever live in the Choctaw Nation, Indian Territory? A Well, I have it through what you would call tradition, I suppose.
- Q Through family history or tradition, if you know? A Yes sir, Zach Booth.
- Q Who is that? A Zach, they called him----nickname. Zachariah was his name, I suppose. Zach Booth moved to the Choctaw Nation is the information to my mind, and married a squaw, and left a son, Richard----Richard Booth.
- Q Now who was Zach Booth? A Zach Booth was the son of another
- Q Zach Booth, who was a son of Black John Booth.
- Q That is in your line, isn't it? A Yes sir, in my mother's line. Old Zach Booth was my mother's uncle. I have seen him in my childhood, and was at his house.
- Q Well, going back in a direct line, you go back to John Booth, Black John Booth. Now what relation was Zach Booth to him? A Son He was my mother's uncle.
- Q And his sister, Sarah Booth, was your grandmother? A Yes sir. Now I could give you the other names of the Booths if necessary. There were three boys and one girl.
- Q Zach Booth, that branch, John Booth's son, you say lived in Mississippi? A Well now, he lived in the Choctaw Nation here, I don't know whether he lived in Mississippi.
- Q I thought you meant the Choctaw Nation, Mississippi? A No sir.
- Q Did he ever live in Mississippi? A I don't know that. He lived in Georgia and left there and went west away back at a date before my recollection, and the last I heard of him was that he married here in the Choctaw Nation, that he brought an Indian with him of the old Choctaw Tribe.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know what about that. One of my ancestors helped to transport them across the Mississippi River.
- Q Who was that? A My mother's cousin.
- Q That wouldn't be an ancestor----your mother's cousin. I mean in a direct line? A No sir.
- Q Did any of your ancestors if Choctaw Indians within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A Not as I know of.
- Q Did any of your ancestors in a direct line back ever claim or receive any land in Mississippi from the Government under article fourteen of the treaty of 1830? A Not as I know of.
- Q Did they ever receive any land or any benefits whatever under any other article of the treaty of 1830 than article fourteen, or under the supplement of that treaty? A Not that I know of.

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- Q Now you have given me the name of Sarah Booth or Sarah B-o-o-t-h-e as one of your ancestors and it is found from an examination of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. the United States, ~~that~~ page 388, that the name of one Sarah Booth appears. Is that the same Sarah Booth from whom you are descendant?
- A. I am not aware of it.
- Q You dont know? A. No sir, I dont know.
- Q The name of Richard Booth also appears on page 86 of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. the United States, and on page 40 of Volume 7 of the American State Papers, as a beneficiary under the 19th article of the treaty of 1830. Is the Richard Booth whose name appears in these records an ancestor of yours? A. Not that I am aware of, but a relative.
- Q A relative? A. One of them is a relative, that is, Richard Boothe is.
- Q Well are you sure that this Richard Boothe is the ancestor through whom you claim? A. No sir, I am not. I had a second, third or fourth cousin somewhere about that in the territory who was named Richard Booth.
- Q This Richard Boothe mentioned in the record above cited is not an ancestor of yours, is he? A. Not as I am aware of.
- Q What relation to you is the Richard Booth who you stated lived in the territory? A. About a fourth cousin I think.
- Q If you could establish the identity of Sarah Boothe whose name appears in Volume 1, page 288 and also on page 86 as being your grandmother, then you would claim through her whatever benefits she received under article 14. A. I would.
- Q Do you think you could introduce testimony later to show that this is the identical Sarah Booth who was your grandmother? A. I couldn't say as I have been away from the family for so long, but I could try.
- Q Reasonable time will be allowed you in which to introduce testimony or any other evidence showing that you are descendant from Sarah Booth mentioned in the above records.
- Q From a letter I have it seems the family was divided on the spelling of the Booth. Some used the "e" and some seemed to reject the "e", that is from a letter I have.
- Q In accordance with the provisions of the treaty of 1830, or the Treaty of Dancing Rabbit Creek, the United States Indian Agent who lived in Mississippi at that time, whose name was Colonel Ward was instructed by the United States Government to make a list of the names of all Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. Now Colonel Ward, this Agent, neglected to do that. He made a very imperfect list, which contains the names of a very small fraction of the whole number of Indians who came before him within the time limited in article fourteen and made their declarations of intention to stay in Mississippi and take land there. On account of this neglect a great many Indians who lived in Mississippi and had land there in the old Choctaw Nation had both their land and the improvements which they had upon it taken from them by the Government and sold. This led to a great deal of distress among the Indians and a great many complaints were made, and as a re-

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sult of the complaints Congress by an Act that was approved March 3, 1837, appointed a Commission and this Commission went to the state of Mississippi and heard all Indian claimants who desired to go before it and claim benefits under article fourteen and made a list of the names of all successful claimants under article fourteen. In 1842 another Commission was appointed by Congress for the same purpose, and this Commission also made a list of the names of successful claimants under article fourteen of that treaty. Do you know if any of your ancestors, if Choctaw Indians appeared before either the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty? A I am not aware of such, if they did.

- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that any claimant who came before it had proven his claim under article fourteen, and if it also appeared that he had had his land taken from him previously by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate should be given to him to that effect. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No testimony to my mind.
- Q Have you any documentary evidence that you wish to introduce now? A Yes sir, I have this. This taken with a view of myself and my daughter who is present.
- Q This is a deposition? A Yes sir.
- Q Of Mrs. H. D. Williams? A A. D. It is A. D. She is one of the oldest living ancestors I suppose who was there with this grandmother of ours, who is a mutual grandmother of hers and mine, and knows a great deal about it through conversation. There is some testimony there that I suppose you would like to see.

The Sworn Statement of Mrs. A. D. Williams presented by applicant, received, filed, marked exhibit "A", and made a part of the record in this case.

- Q Have you any other testimony, Mr. Lipsey? A Nothing in my behalf. My daughter is of course, aware of nothing except what I have given there in that written testimony.
- Q You have the records here, that you intend to present later, don't you, of the marriage of your father and mother? A Yes sir.
- Q Have you any other papers there you want to file? A Nothing that I am aware of.

Reasonable time will be given this applicant in which to file documentary evidence in support of this application which he makes in his own behalf.

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- Q You don't speak Choctaw do you, or understand it? A No sir.
Q Now is there anything more that you want to say? A Nothing that I know of.

Mattie Alva Mason, daughter of the applicant, and Jabe N. Walker, cousin, are related to this applicant, and have made an appearance here for identification as Mississippi Choctaws and their testimony will be considered with his when a decision is rendered.

This applicant has the appearance and physical characteristics of being descended from White parentage. Does not understand or speak the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 22, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 23rd day of November, 1901.

Charles M. [Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John W. Lipsey, et al., for identification as Mississippi Choctaws, consolidating the applications of:

John W. Lipsey,	H.C.R. 3800
Mattie Alva Mason, et al.,	" 3494
George W. Ellis, Sr., et al.,	" 4698
William B. Ellis, et al.,	" 5545
Itasca M. Coles, et al.,	" 5547
John J. Ellis, Sr., et al.,	" 5546
Maggie Viles,	" 5548
Jesus J. Ellis,	" 5549
Charlie O. Ellis, et al.,	" 5348
Walter H. Ellis,	" 5349
Dora Gertrude Ellis Hargus, et al.,	" 5393
Bersheba J. Burford,	" 4617
Lillian C. House,	" 4751
Peyton M. Self, et al.,	" 4616
Marancy A. Dean,	" 4749
Mattie J. Myers, et al.,	" 5318
Lelia B. Myers,	" 5319
Texana Tibbs,	" 5320
Charles E. Walker, et al.,	" 5414
Mary E. Brown, et al.,	" 5415
John S. Walker, et al.,	" 5417
Henry S. Walker, et al.,	" 5418
Kate H. Coker,	" 5416
Ada D. Williams,	" 4533
Ann J. Garrard,	" 5413
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David W. Dean,	" 4534
Walker Sanders,	" 5600
Montezuma V. Walker, et al.,	" 4319
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Jeff B. Walker,	" 4327
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Junia T. Gordon, et al.,	M.C.R. 4539
Jabers N. Walker,	" 3796
Sarah E. Havenson, et al.,	" 4537
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Laura A. Ray, et al.,	" 4532
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COPY.

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John J. Ellis, Sr., et al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
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Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Chateaux were made to this Commission by John W. Lipsay for himself; by Mattie Alva Mason for herself and her three minor children, Wilma, John Lipsay and William B. Mason; by George W. Ellis, Sr., for himself and his three minor children, George W., Jr., Annie Louise and Henry Ellis; by William E. Ellis for himself and his three minor children, Lou Ellen, George W. and Fley G. Ellis; by Itasca M. Coles for herself and her three minor children, George Warren, Howard Smith and Elijah Coles, Jr.; by John J. Ellis, Sr., for himself and his three minor children, Pearl Warren, John J., Jr. and Lucille H. Ellis; by Maggie Wiles for herself; by Joshua J. Ellis for himself; by Charlie O. Ellis for himself and his five minor children, James, Anna, Maggie, Eva and Mart Ellis; by Walter H. Ellis for himself; by Dora Gertrude Ellis Hargus for herself and her three minor children, Otis Le Roy, John Reed and Mary Lois Hargus; by William J. Self for his mother-in-law, Berahaba J. Buford; by Lillian C. Hense for herself; by William J. Self for his three minor children, Peyton M., Willie E. and Lillian G. Self; by Maraney A. Dean for herself; by Mattie J. Myers for herself and her three minor children, Fred, David Ray and Iona Myers; by Lella E. Myers for herself; by Texana Tibbs for herself; by Charles E. Walker for himself and his two minor children, John W. and Saxton Walker; by Mary E. Brown for herself and her five minor children, Robert M., Florence, Walter, Ethel and Edith Brown; by John S. Walker for himself and his two minor children, Rosa R. and Mary S. Walker; by Henry S. Walker for himself and his two minor children, Henry

-5-

E., Jr., and George D. Walker; by Kate R. Coker for herself; by Ada D. Williams for herself; by Ann J. Garrard for herself; by Cornelia R. Blair for herself; by Nellie D. House for herself and her five minor children, Sam L., Nell, Mina, David L. and Mabel House; by Leonidas G. Dean for himself, his wife, Eugenia G. Dean, and his minor child, Guy Walker Dean; by David W. Dean, for himself; by Walker Sanders for himself and his three minor children, Malalia A., Avinell Y. and Walker V. Sanders; by Montezuma V. Walker for himself and his minor child, Sarah G. Walker; by Malcolm E. Walker for himself; by Jeff E. Walker for himself; by William J. Walker for himself and his eight minor children, Florence J., William V., Kittie L., Caswell G., Jephtha B., Talbert H., Robert G. and Claudie E. Walker; by Junia T. Gordon for herself and her nine minor children, Edward W., Willie D., Junia A., Robert H., Floy, Henry W., Sallie I., Lennie L., and Montie L. Gordon; by Jabers E. Walker for himself; by Sarah E. Eavenson for herself and her ten minor children, Clarence L., Alfred V., Thomas E., Lenora E., Earnest W., Montezuma, Katie B., George C., Dora A. and Beata E. Eavenson; by Jephtha L. Walker for himself and his four minor children, Charles L., Jephtha V., Edward D. and William T. Walker; by Laura A. Ray for herself and her six minor children, Veva M., Junia V., Burtrom L., Jephtha W., Imoy J., and Ethel F. Ray; and by Mattie Blase for herself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded

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September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears from the record herein that subsequent to the making of the application numbered M.C.R.4540, Leonidas G. Dean, the principal applicant therein, appeared before the Commission and moved that he be permitted to withdraw said application in so far as it related to his wife, Eugenia G. Dean, and minor child, Guy Walker Dean in order that his said wife might make a separate application in her own behalf and in behalf of said child, she being a claimant to rights as a Mississippi Choctaw through an ancestor other than that of her husband, which motion was granted; and it further appears that thereafter Eugenia G. Dean made application for herself and child as Mississippi Choctaws, said application being numbered M.C.R.4999.

It also appears that all of the applicants herein claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sarah Walker, nee Both (or Booth, or Boethe), who was the daughter of John (or John B., or Black John) Both (or Booth, or Boethe), both of whom are alleged to have been Choctaw Indians, degree of blood not positively stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or

admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

The name Sarah Boothe is found on page 86 of Volume I of the Claimants Brief and Evidence, in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, in a list of claims under the fourteenth article of the treaty of "Dancing Rabbit Creek." The name Sarah Booth is found on page 328 of the above record, in a list of claims filed in the office of the Choctaw Commissioners appointed under the Act of Congress approved August 23, 1842, at their session beginning April 6 and ending August 24, 1843, which claim appears to have been examined by said Commissioners on October 12, 1844, though the record fails to show what decision was rendered by them. It does not appear from the evidence submitted by the several applicants herein that the Sarah Walker, nee Both (or Booth, or Boothe), through whom these applicants claim is the identical Sarah Booth (or Boothe), whose name appears in the record above cited, but on the contrary it would appear that they are not identical, as the Sarah Booth, (or Boothe) of record is shown to have been an applicant under the treaty of eighteen hundred and thirty, as the wife of Richard Boothe, deceased, while the Sarah Both (or Booth, or Boothe), through whom these applicants claim, was born a Both (or Booth, or Boothe), and in eighteen hundred and thirty was married to a white man named George Whitfield Walker.

having married him many years prior to that time.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sarah Walker, nee Both, (or Booth, or Boethe), through whom these applicants claim, or John (or John B., or Black John) Both, (or Booth, or Boethe), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, Sr., George W. Ellis, Jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis, (3) Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, Jr., John J. Ellis, Sr., Pearl Warren Ellis, John J. Ellis, Jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis Le Roy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie

E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, Jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Habel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jephtha B. Walker, Talbort H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert H. Gordon, Floy Gordon, Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jagers H. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hepta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred

and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED:

Tamr Bixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Waskogen, Indian Territory.

FEB 19 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 1901



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 23 1901



ACTING CHAIRMAN.

10/11/01

Little Rock Ark.

Oct. 11-1901

Hon C. R. Breckinridge

Wescoff 27.

My Dear Sir & Friend,

Dr. J. W. Lifsey of Memphis Tenn, will visit the Territory within the next few weeks, or less time.

I have known Dr. Lifsey well for many years. He is an honorable upright man, a Christian gentle man, a Baptist Minister of high rank. Any kindness you may intend to him will be appreciated by the Dr, and his friends.

Truly Yours,
James P. Cagle

MLT- 3800

COMM. 10-12-68 E

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Oct 14/90

(To the office)

Excellent
a very good
Thomson
are him
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country
of your
property
to his
V. C. S.

Memphis Tenn
Gov. Saxon & Murry

Hon C. R. Breckenridge
My Dear Sir, Recently,
have been informed that
you are the Breckenridge
who was formerly a Congress-
man from Ark. If so I know
of you quite well while at
Daytonville, & Donoke Ark.
I suppose you will receive
letters from Judge Chap-
line of Camden Ark, also
from Gov. Eagle of Little
Rock pertaining to myself.
I now write you in order to ex-
plain my intentions as to

my intention of moving to
the Indian Territory. I now
have two married Daughters
in Durant N. T. who apply for
enrollment among the
Chetaws as citizens. I may
also make application myself
at an early date. I think I
can show satisfactory proof
that we are of Indian descent
though as to complexion we
do not show it. I hope to ap-
pear before the Commission
in Atoka at which place
was designated in a recent
letter from the Dawes Com-
missioner. I hope to be there
about the 21st & 22nd inst. Now
the objects of these letters is let
you know that I am not an
importer nor an adventurer
But simply wish to comply
with the Law of enrollment
Therefore Gov. Eagle & Judge

Chapline will write you in
my behalf. Altho yet I am not a
citizen of the U. S. But if I can
enroll so as to become a bonafide
citizen I will invest \$6,000
or \$8,000 in real estate. I am
informed that enrollment must
be preceded by citizenship
which I am willing to comply
with. I will be thankful
to you for any information
or suggestions you may see
proper to make for my pro-
cedure. Perfectly willing
to abide by your suggestions
& hoping to hear from at an early
date I am yours with respect
Very Truly

J. W. Linsay

Muskogee, Indian Territory, November 18, 1901.

J. W. Lipsey,

Corner Saxon and Murry Streets,

Memphis, Tennessee,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 11, in which you state that you are working up additional evidence in support of your application for identification as a Mississippi Choctaw.

If you desire to offer additional evidence in support of your application, the Commission will hear the testimony of such witnesses as may present themselves in person at its office at Muskogee, Indian Territory. If the witnesses are residents of the state of Mississippi, they may be heard at the office of the Commission at Meridian, Mississippi, between January 15 and February 15, 1901. If it is impossible to secure the personal attendance of witnesses, their depositions will be considered, when taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws, a copy of

J.W.L. 2

which is inclosed you herewith for your information.

Yours truly,

Acting chairman.

MC 3500.

Rules for taking
depositions.

Muskogee, Indian Territory, November 23, 1901.

J. W. Lipsey,

Cor. Saxon & Murry,

Memphis, Tennessee,

Dear Sir:

Receipt is hereby acknowledged of your letter of the nineteenth instant, with which you inclose the affidavit of Mrs. A. D. Williams, the affidavit of Jack D. Booth, and a copy of a letter addressed by James P. Eagle of Little Rock, Arkansas, to Hon. C. R. Breckenridge, Muskogee, Indian Territory, which you offer for filing in support of your application for identification as a Mississippi Choctaw. The same have been filed with the record in this case and will receive consideration in the disposition of your application.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, November 25, 1901.

J. W. Lipsey,

Corner Saxon & Murry Streets,
Memphis, Tennessee,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty first instant, in which you state that you appeared before the Commission at Atoka, Indian Territory on October 22, and applied for identification as a Mississippi Choctaw, and that you have recently sent three affidavits in support of such claim. The three papers referred to by you have been filed with the record in this case.

The letter of C. R. Breckinridge is herewith returned to you.

Yours truly,

Acting Chairman.

AB 1-25

3880

Muskogee, Indian Territory, November 25, 1901.

J. W. Lipsey,

Corner Saxon & Murry Streets,

Memphis, Tennessee,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twentieth instant, in which you inclose the statement of D. L. Dean taken before Sam J. House, Clerk of the Chancery Court in Tate County, Mississippi, which you offer for filing in support of your application for identification as a Mississippi Choctaw. The same has been filed with the record in your case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 4, 1902.

J. W. Lipsey,

Corner Saxon and Murry Avenue,
Memphis, Tennessee,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 31, 1901, in which you ask if any action has yet been taken on your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that no decision has yet been reached or opinion rendered relative to your rights as a Mississippi Choctaw, and it is impossible, at this time, to say when your application will be reached for consideration. As soon as a decision is rendered you will be notified of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

MC 2500

Washoe, Indian Territory, January 18, 1903.

J. W. Lipsey,

Corner Saxton & Murry,

Memphis, Tennessee,

Dear Sir:

Receipt is hereby acknowledged of your letter of the ninth instant, in which you ask to be advised where you can secure information as to a Sarah Booth or Sarah Boothe, whose name, you are informed, appears on the index of the U. S. roll of Mississippi Choctaws.

In reply to your letter you are advised that the names of claimants to land under the provisions of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may be found in Volumes seven and eight of American State Papers, Public Lands, and in Volumes one and two of the brief of the Choctaw Nation in case number 12742 in the Court of Claims, the Choctaw Nation against the United States.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, May 3, 1908.

J. W. Lipsey,

Corner Saxon & Murry,

Memphis, Tennessee,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 29, asking information as to the status of your case. You also state that you have been unable to secure the books referred to in our previous letter, in which to look up the enrollment of Sarah Booth.

In reply to your letter you are informed that no decision has yet been reached nor opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action of the Commission.

You are advised that a careful search of the the records in the possession of the Commission showing the names of persons who received land ~~as per~~ under the provisions of the fourteenth article of the treaty of 1830 does not disclose the name of Sarah Booth as having complied or attempted to comply with the provisions of said ~~fourteenth~~ article of the treaty of 1830.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, September 16, 1902.

The Commissioner of Indian Affairs,
Washington, D.C.

Dear Sir:-

There are pending before the Commission to the Five Civilized Tribes forty applications embracing one hundred and twenty seven persons who claim to derive their Choctaw blood from one John Booth (or Boothe), sometimes known as "Black John", who they allege was a full blood or half blood Choctaw. All the said applicants trace their descent to the said John Booth (or Boothe) through his daughter Sarah, who they allege was married to a white man named George Whitfield Walker and who was born in 1789 and died in 1864. There is nothing in the evidence submitted by the applicants which shows when Sarah Booth was married, but it appears that a daughter of hers named Elizabeth was born in 1808. It further appears that the said Sarah Walker (nee Booth) was the mother of ten other children, three of whom, to wit: Rarsheba, William Booth and Jeptha V. Walker are the ancestors of certain of the above applicants, but it is not shown when said children were born.

On page 388, of Volume 1 of the Claimants Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, the name of Sarah Booth is found as a claimant whose case was docketed by the Commissioners

appointed under the act of Congress approved August 23, 1842 and examined by them on the 12th day of October, 1844. There is nothing in the evidence submitted by the applicants which in any manner tends to identify the Sarah Booth through whom they claim with the one cited in the above record.

The Commission has the honor herewith to request for its official use in the consideration of these applications, in connection with the records already in its possession, such records as may now be in the possession of the Indian Office relating to the claim of the Sarah Booth who appeared before the Commissioners appointed under the act of Congress approved August 23, 1842.

Yours truly,

Acting Chairman

COPY.

M.C.R. 3800

Muskogee, Indian Territory, February 19, 1903.

John W. Lipsey,

Corner of Saxon and Hurry Streets,
Memphis, Tennessee.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M.C.R. 3800
Mattie Alva Mason, et al.,	M.C.R. 3494
George W. Ellis, Sr., et al.,	M.C.R. 4698
William E. Ellis, et al.,	M.C.R. 5545
Itasca M. Coles, et al.,	M.C.R. 5547
John J. Ellis, Sr., et al.,	M.C.R. 5548
Maggie Wiles,	M.C.R. 5549
Joshua J. Ellis,	M.C.R. 5549
Charlie O. Ellis, et al.,	M.C.R. 5549
Walter H. Ellis,	M.C.R. 5349
Dora Gertrude Ellis Hargus, et al.,	M.C.R. 5393
Berubeba J. Harford,	M.C.R. 4617
Lillian C. Hedge,	M.C.R. 4751
Peyton M. Self, et al.,	M.C.R. 4618
Margaret A. Dean,	M.C.R. 4749
Mattie J. Myers, et al.,	M.C.R. 5318
Lelia R. Myers,	M.C.R. 5319
Tessie Tibbs,	M.C.R. 5320
Charles E. Walker, et al.,	M.C.R. 5414
Mary E. Brown, et al.,	M.C.R. 5415
John S. Walker, et al.,	M.C.R. 5417
Henry S. Walker, et al.,	M.C.R. 5418
Kate R. Coker,	M.C.R. 5416
Ada D. Williams,	M.C.R. 4535
Ann J. Garrard,	M.C.R. 5413

John W. Lipsey, -2

Gernelia R. Blair,	M.C.R. 4538
Hellie D. House, et al.,	M.C.R. 4750
Leonidas G. Dean, et al.,	M.C.R. 4840
David V. Dean,	M.C.R. 4534
Walker Sanders,	M.C.R. 5000
Montezuma V. Walker, et al.,	M.C.R. 4319
Malcolm H. Walker,	M.C.R. 4526
Jeff H. Walker,	M.C.R. 4327
William J. Walker, et al.,	M.C.R. 4615
Junia T. Gordon, et al.,	M.C.R. 4539
Jabers H. Walker,	M.C.R. 3795
Sarah E. Ravenson, et al.,	M.C.R. 4557
Jephtha L. Walker, et al.,	M.C.R. 4536
Laura A. Ray, et al.,	M.C.R. 4532
Mattie Blass,	M.C.R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, Sr., George W. Ellis, Jr., Annie Louise Ellis, Henry Ellis, William H. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, Jr., John J. Ellis, Sr., Pearl Warren Ellis, John J. Ellis, Jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis Le Roy Hargus, John Reed Hargus, Mary Lois Hargus, Berseba J. Burford, Lillian G. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Ray Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S.

John W. Lipsey,-3

Walker, Henry S. Walker, Jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jephtha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert E. Gordon, Floy Gordon, Henry W. Gordon, Sallie I. Gordon, Lemmie L. Gordon, Montie L. Gordon, Jagers H. Walker, Sarah E. Havensson, Clarence L. Havensson, Alfred V. Havensson, Thomas E. Havensson, Lenora E. Havensson, Earnest W. Havensson, Montezuma Havensson, Katie B. Havensson, George C. Havensson, Dora A. Havensson, Heeta B. Havensson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel P. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identifications such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

COPY.

M.C.R. 3200

Muskogee, Indian Territory, February 19, 1903.

Mansfield, McHurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M.C.R. 3200
Mattie Alva Mason, et al.,	M.C.R. 3494
George W. Ellis, Sr., et al.,	M.C.R. 4698
William E. Ellis, et al.,	M.C.R. 5545
Itasca M. Gales, et al.,	M.C.R. 5547
John J. Ellis, Sr., et al.,	M.C.R. 5548
Maggie Wiles,	M.C.R. 5548
Joshua J. Ellis,	M.C.R. 5549
Charlie O. Ellis, et al.,	M.C.R. 5348
Walter E. Ellis,	M.C.R. 5349
Dora Gertrude Ellis Hargus, et al.,	M.C.R. 5393
Borghena J. Burford,	M.C.R. 4617
Lillian O. House,	M.C.R. 4751
Peyton M. Self, et al.,	M.C.R. 4616
Maraney A. Dean,	M.C.R. 4749
Mattie J. Myers, et al.,	M.C.R. 5318
Lelia E. Myers,	M.C.R. 5319
Tennie Tibbs,	M.C.R. 5320
Charles E. Walker, et al.,	M.C.R. 5414
Mary E. Brown, et al.,	M.C.R. 5415
John S. Walker, et al.,	M.C.R. 5417
Henry S. Walker, et al.,	M.C.R. 5418
Kate E. Coker,	M.C.R. 5416
Ada D. Williams,	M.C.R. 4532
Ann J. Garrard,	M.C.R. 5413

Cornelia R. Blair,	M.C.R. 4538
Nellie D. House, et al.,	M.C.R. 4750
Leonidas G. Dean, et al.,	M.C.R. 4840
David W. Dean,	M.C.R. 4534
Walker Sanders,	M.C.R. 5000
Montezuma V. Walker, et al.,	M.C.R. 4319
Malcolm E. Walker,	M.C.R. 4326
Jeff E. Walker,	M.C.R. 4327
William J. Walker, et al.,	M.C.R. 4615
Junia T. Gordon, et al.,	M.C.R. 4539
Jabers N. Walker,	M.C.R. 3795
Sarah E. Evenson, et al.,	M.C.R. 4537
Jephtha L. Walker, et al.,	M.C.R. 4536
Laura A. Ray, et al.,	M.C.R. 4532
Mattie Blass,	M.C.R. 4535

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, Sr., George W. Ellis, Jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, Jr., John J. Ellis, Sr., Pearl Warren Ellis, John J. Ellis, Jr., Lucille R. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis Le Roy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, Jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House,

Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jephtha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert H. Gordon, Floy Gordon, Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Evenson, Clarence L. Evenson, Alfred V. Evenson, Thomas E. Evenson, Lenora E. Evenson, Earnest W. Evenson, Montezuma Evenson, Katie B. Evenson, George C. Evenson, Dora A. Evenson, Heeta B. Evenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identifications such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm Kirby

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3800.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

cc 100

Tame Tracy.

Acting Chairman.

COPY.

Muskogee, Indian Territory, March 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John W. Lipsey, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 19, 1903.

John W. Lipsey,	M.C.R. 3800
Mattie Alva Mason, et al.,	M.C.R. 3494
George W. Ellis, Sr., et al.,	M.C.R. 4698
William E. Ellis, et al.,	M.C.R. 5545
Itasca M. Coles, et al.,	M.C.R. 5547
John J. Ellis, Sr., et al.,	M.C.R. 5546
Maggie Wiles,	M.C.R. 5548
Joshua J. Ellis,	M.C.R. 5549
Charlie O. Ellis, et al.,	M.C.R. 5548
Walter H. Ellis,	M.C.R. 5549
Dora Gertrude Ellis Hargus, et al.,	M.C.R. 5393
Bersheba J. Burford,	M.C.R. 4617
Lillian C. House,	M.C.R. 4751
Peyton M. Self, et al.,	M.C.R. 4616
Marancy A. Dean,	M.C.R. 4749
Mattie J. Myers, et al.,	M.C.R. 5318
Lelia H. Myers,	M.C.R. 5319
Texana Tibbs,	M.C.R. 5320
Charles E. Walker, et al.,	M.C.R. 5414
Mary E. Brown, et al.,	M.C.R. 5415
John S. Walker, et al.,	M.C.R. 5417
Henry S. Walker, et al.,	M.C.R. 5418
Kate R. Coker,	M.C.R. 5416
Ada D. Williams,	M.C.R. 4533
Ann J. Garrard,	M.C.R. 5413
Cornelia R. Blair,	M.C.R. 4538
Nellie D. House, et al.,	M.C.R. 4750
Leonidas G. Dean, et al.,	M.C.R. 4540

Secretary-2

David W. Dean,
Walker Sanders,
Montezuma V. Walker, et al.,
Malcolm E. Walker,
Jeff E. Walker,
William J. Walker, et al.,
Junia T. Gordon, et al.,
Jabers W. Walker,
Sarah E. Havenson, et al.,
Jephtha L. Walker, et al.,
Laura A. Ray, et al.,
Mattie Blass,

M.C.R. 4534
M.C.R. 5000
M.C.R. 4319
M.C.R. 4326
M.C.R. 4327
M.C.R. 4618
M.C.R. 4539
M.C.R. 3795
M.C.R. 4537
M.C.R. 4536
M.C.R. 4532
M.C.R. 4535

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tamm Dixby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. M.C.R. 3800

Copy.

Land.

16585-1903.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

June 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record and proceedings of the commission to the Five Civilized Tribes in the matter of the consolidated applications for identification as Mississippi Choctaws of the following: by John W. Lipsey for himself; by Mattie Alva Mason for herself and her three minor children, Wilma, John Lipsey and William B. Mason; by George W. Ellis, Sr., for himself and his three minor children, George W. Jr., Annie Louise and Henry Ellis; by William E. Ellis for himself and his three minor children, Lou Ellen, George W. and Floyd G. Ellis; by Itasca M. Coles for herself and her three minor children, George Warren, Howard Smith and Elijah Coles, Jr.; by John J. Ellis, Sr., for himself and his three minor children, Pearl Warren, John J., Jr. and Lucille H. Ellis; by Maggie Wiles for herself; by Joshua J. Ellis for himself; by Charlie G. Ellis for himself and his five minor children, James, Anna, Maggie, Eva and Mart; Ellis; by Walter

H. Ellis for himself by Dora Gertrude Ellis Hargus for herself and her three minor children, Otis Le Roy, John Reed and Mary Lois Hargus; by William J. Self for his mother-in-law, Bersheba J. Nuford; by Lillian C. House for herself; by William J. Self for his three minor children, Peyton M., Willie E. and Lillian G. Self; by Marancy A. Dean for herself; by Mattie J. Myers for herself and her three minor children, Fred, David Roy and Iona Myers; by Lelia E. Myers for herself; by Texana Tibbs for herself; by Charles E. Walker for himself and his two minor children, John W. and Saxton Walker; by Mary E. Brown for herself and her five minor children, Robert M., Florence, Walter, Ethel and Edith Brown; by John S. Walker for himself and his two minor children, Rosa R. and Mary S. Walker; by Henry S. Walker for himself and his two minor children, Henry S., Jr., and George D. Walker; by Kate R. Coker for herself; by Ada D. Williams for herself; by Ann J. Garrard for herself; by Cornelia R. Blair for herself; by Nellie D. House for herself and her five minor children, Sam L., Nell, Edna, David L. and Mable House; by Leonidas G. Dean for himself, his wife, Eugenia C. Dean, and his minor child, Guy Walker Dean; by David W. Dean for himself; by Walker Sanders for himself and his three minor children, Bulalia A., Avinell Y. and Walker V. Sanders; by Montezuma V. Walker for himself and his minor child, Sarah C. Walker; by Malcolm E. Walker for himself; by Jeff E. Walker for himself; by William J. Walker for himself and his eight minor children, Florence J., William V., Kittie L., Caswell C., Jephtha E., Halbert H., Robert C. and Claudie E. Walker;

by Junia T. Gordon for herself and her nine minor children, Edward W., Willie D., Junia A., Robert W., Floy, Henry W., Sallie I., Lemmie L., and Montie L. Gordon; by Jabers M. Walker for himself; by Sarah E. Ravenson for herself and her ten minor children, Clarence L., Alfred V., Thomas E., Lenora E., Earnest W., Montezuma, Katie E., George C., Dora A. and Heeta B. Ravenson; by Jephtha L. Walker for himself and his four minor children, Charles L. Jephtha V., Edward D. and William T. Walker; by Laura A. Ray for herself and her six minor children, Veva M., Junia V., Burstrom L., Jephtha W., Lucy J., and Ethel F. Ray; and by Mattie Blass for herself, wherein a decision adverse to the applicants was rendered by the Commission February 19, 1903.

The testimony in this case shows that the applicants base their claim to identification of their descent from John (or John B. or Black John) Both (or Booth or Boothe) and his daughter Sarah Walker (nee Both, Booth or Boothe), who it is alleged were Choctaw Indians and residents in Mississippi at the time of making of the treaty of 1830.

The Commission rejected the applicants because the name of John (John B? Or Black John) Both (Booth or Boothe) does not appear on their records among the names of those who were applicants under the provisions of the 14th article of the treaty of 1830 and for the reason that the evidence is insufficient to establish the identity of the " Sarah Booth, Both or Boothe" through whom they

claim with the Sarah Beeth and Sarah Beeths, that appear in Volume I of the Claimants Brief and Evidence, in the case of the Choctaw Nation versus the United States before the Court of Claims, No 12742, in a list of claims under the fourteenth article of the treaty of "Dancing Rabbit Creek" page 86, Sarah Beeths, relict of Richard Beeths, deceased, and again on page 388 of same appears the name Sarah Beeth, in a list of claims filed in the office of the Choctaw Commissioners appointed under the Act of Congress approved August 23, 1842, which claim appears to have been examined by said Commissioners on October 12, 1842, but the record fails to show what decision was rendered by them. The Commission also give as one of their reasons for rejection that the applicants are none of them enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of John, John B. or Black John Beth, Beeth or Beeths and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that he applied to the Commission created under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of his rights, if any had any, as a Choctaw Indian. The name Sarah Walker (nee Beth, Beeth or Beeths) does not appear but there was a Sarah Beeth and a Sarah Beeths, whose names appear on pages 388 and 86 of Volume I of the Claimants Brief and Evidence, as above cited but there is no evidence in this case that would identify

- 5 -

her with these parties, particularly with the Sarah Boothe, whose name is given on page 86 of said record as relict of Richard Boothe, deceased, because this party married a Boothe while the Sarah Both, Booth or Boothe claimed under was a Both, Booth or Boothe by birth and married a white man by the name of George Whitefield Walker, it would appear therefore that they are not identical.

After careful consideration of this case, it is the opinion of this office that the decision of the Commission rejecting the applicants, is correct, and is therefore respectfully recommended for approval.

Very respectfully,

W. A. Jones,

Commissioner.

C. T. C.

J. P.

DEPARTMENT OF THE INTERIOR.

WUP.

WASHINGTON.

RAY.

D.C. 18369.

ITD. 5124-1903.

July, 1st, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of March 7, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of John W. Lipsey for himself; of Mattie Alva Mason for herself and her minor children, Wilma, John Lipsey and William B. Mason; of George W. Ellis Sr., for himself and his minor children, George W., Jr., Annie Louise and Henry Ellis; of William E. Ellis for himself and his minor children, Lou Ellen, George W. and Fley G. Ellis; of Itasca M. Coles and her minor children, George Warren, Howard Smith and Elijah Coles, Jr.; of John J. Ellis Sr., for himself and his minor children, Pearl Warren, John J. Jr., and Lucille H. Ellis; of Maggie Wiles for herself; of Joshua J. Ellis; of Charlie G. Ellis for himself and his minor children, James, Anna, Maggie, Eva and Mart Ellis; of Walter H. Ellis; of Dora Gertrude Ellis Hargus for herself and her minor children, Otis LeRoy, John Reed and Mary Lois Hargus; of William J. Self for his mother-in-law, Bersheba J. Buford;

of Lillian G. House; of William J. Self for his minor children, Peyton M., Willie E. and Lillian G. Self; of Marancy A. Dean; of Mattie J. Myers and her minor children, Fred, David Roy and Iona Myers; of Lelia E. ~~Myers~~ of Texana Tibbs; of Charles E. Walker and his minor children, John W. and Saxton Walker; of Mary E. Brown for herself and her minor children, Robert M., Florence, Walter, Ethel and Edith Brown; of John S. Walker and his minor children, Rosa R. and Mary S. Walker; of Henry S. Walker for himself and his minor children, Henry S. Jr., and George D. Walker; of Kate R. Coker; of Ada D. Williams; of Ann J. Garrard; of Cornelia R. Blair; of Nellie D. House for herself and her minor children, Sam L., Nell, Edna, David L. and Mable House; of Leonidas G. Dean for himself, ~~his wife~~, Eugenia C. Dean, and his minor child, Guy Walker Dean; of David W. Dean; of Walker Sanders for himself and his minor children, Eulalia A., Avinell Y. and Walker V. Sanders; of Montezuma V. Walker for himself and his minor child, Sarah C. Walker; of Malcolm E. Walker; of Jeff E. Walker; of William J. Walker for himself and his minor children, Florence J., William V., Kittie L., Caswell C., Jephtha B., Talbert H., Robert O. and Claudie E. Walker; of Junia T. Gordon for herself and her minor children, Edward W., Willie D., Junie A., Robert E., Fley, Henry W., Sallie I., Lennie L. and Montie L. Gordon; of Jabers E. Walker; of Sarah E. Ravenson for herself and her minor children, Clarence L., Alfred V., Thomas E., Lenora E., Earnest W., Montezuma, Katie B., George C., Dora A. and Heeta B.

Ravenson; of Jeptha L. Walker for himself and his minor children, Charles L., Jeptha V., Edward D. and William T. Walker; of Laura A. Ray for herself and her minor children, Veva M., Junia V., Burton L., Jeptha W., Lucy J., and Ethel F. Ray; and of Mattie Blass.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Sarah Walker (nee Both, or Booth, or Boothe), who was the daughter of John, or John B., or Black John Both, Booth, or Boothe, it being alleged that said ancestors were Choctaw Indians; that they resided in Mississippi in 1830; and that Sarah Walker (nee Both, Booth, or Boothe) complied or attempted to comply with the provisions of said article 14.

The records of the Indian Office fail to show that any one by the name of John, John B., or Black John Both, Booth, or Boothe complied or attempted to comply with the provisions of the said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto. There was a Sarah Boothe, whose name appears in Volume I of the Claimants Brief and Evidence, in the case of the Choctaw Nation versus the United States, before the Court of Claims, No. 12742, in a list of claims under the 14th article of the treaty of Dancing Rabbit Creek, page 86, as the wife of Richard Boote, deceased. On page 388 of same appears the

name of Sarah Booth in a list of claims filed in the office of the Choctaw commissioners appointed under ~~the~~ acts of Congress approved August 23, 1842, which claim appears to have been examined by said commissioners on October 12, 1844, but the record failed to show what decision was rendered by them.

Reporting June 16, 1903, the Commissioner of Indian Affairs recommends that your decision be approved.

The Department ^{has carefully} reviewed the whole record and finds that the evidence furnished by same is insufficient to show that the said John, JohnB. or Black John Both, Booth or Boothe complied or attempted to comply with article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto. It also finds that the evidence is insufficient to show that the Sarah Walker (nee Both, Booth or Boothe), through whom the applicants claim, is identical with either of the persons by the name of Sarah Booth or Boothe who attempted to comply with said article or acts. Your decision in rejecting the applicants, dated February 19, 1903, is therefore affirmed.

Respectfully,

E. A. Hitchcock.

Secretary.

1 inclosure.

M.C.R. 3900.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by mail on the 19th day of February, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

M.C.R. 3800.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Thomas & Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY.

M.C.R. 2800.

Muskogee, Indian Territory, July 29, 1903.

John W. Lipsey,

Corner Saxon & Murray Streets,

Memphis, Tennessee.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

REFER TO M. C. R. 3800

Consolidated Case

of

John W. Lipsey, et al

John Booth, (or Boothe) 1/4

Sarah Booth (or Boothe) 1/4
married
George Whitfield Walker

Jack Booth
Wiley Booth
William Booth
Penelope Booth
Elizabeth Booth

No account of descendant.

Elizabeth Booth Walker
married
Ezekiah W. Lipsey

Bersheba Walker
married

Joshua J. Ellis

William Booth Walker

Jeptha V. Walker

John Walker

Vinon Walker

George Walker

Mary Walker
married
Lloyd

Caroline Walker
married
Hamilton

Missouri Walker
married
Hamilton

Martin Walker

Page

Page 2, 3, 4,

Page 5, 6,

Page 7, 8, 9,

No account of descendant.

James Booth

Zack Booth

Missouri M Lipsey

mek
3800

John Washington Lipsey, 65

wife

Mallie Lipsey

Elizabeth Booth Walker

married

Hezekiah W. Lipsey, D

Americus W. Lipsey

Walter J. Lipsey

mek
3494

Mattie Alva Lipsey, 24, 116

married

John H Mason, w.

mek
3494

Wilma Mason 4

John Lipsey Mason 3

William B. Mason, 11m

Eliza B., or
 Barcheba, or
 Bersheba, or
 Bersheba Walker D

married

Joshua J. Ellis D

George W. Ellis, Jr. D

wife

Martha Annibred or
 Martha Mildred Ellis D

MCH
 5548

George W. Ellis Sr. 57 1/2

wife

Louisa J. Ellis, w

MCH
 5545

William E. Ellis, 31 1/2

wife

Rosa Ellis, w

MCH
 5545

Lon Ellen Ellis, 8

"George W. Ellis, 5

"Floy G. Ellis, 3

MCH
 5547

Hester M. Ellis, 30 1/2

married

Elijah Coles w

MCH
 5547

George Warren Coles 10

"Howard S. Coles, 8

"Elijah Coles Jr 5

MCH
 5548

John J. Ellis Sr. 1/32

wife

Nattie Ellis, w

MCH
 5548

Pearl Warren Ellis, 5

"John J. Ellis, Jr. 3

"Lucille A. Ellis 1

MCH
 5548

Maggie Ellis 24, 1/32

married

George W. Wiles, w

MCH
 4698

George W. Ellis Jr 19

Annie Louisa Ellis, 16

Henry Ellis, 13

Eliza B., or
 Bashabee, or
 Barsheba, or
 Bersheba Wacker, D
 married
 Joshua J. Ellis, D

George W. Ellis, Jr. D
 wife
 Martha Annildred, or
 Martha Mildred Ellis D

mch
 5549
 Joshua J. Ellis 58. 1/16
 wife
 Sarah E. Ellis

Mary A. Ellis, 37

Jerry W. Ellis
 Rosie Ellis

Mary Ellis
 married
 M. Gadden

George W. Ellis

Jerry J. Ellis
 Gillie Ellis
 Lesley Ellis

Ida Itasca Ellis
 married
 Holbert

Ida Holbert
 Fritz Holbert

mch
 5348
 Charles O. Ellis 47 1/16
 wife
 Martha C. Ellis, w

mch
 5349
 Walter H. Ellis, 28. 1/32
 mch
 5348
 James Ellis, 20
 Anna Ellis 18
 Maggie Ellis 14
 Eva Ellis 10
 Mart Ellis 7

Andrew J. Ellis, dead
 wife
 Annie Ellis, dead

mch
 5343
 Dora Gertrude Ellis, 26 1/32
 married
 William L. Hargus

mch
 5342
 Otis Leroy Hargus 7
 John Reed Hargus 3
 Mary Lois Hargus 1

mek
4617
Bersheba J. Ellis 65 1/2
married
Burford

Mittie Burford, Dead
married
H. M. Callcott, Dead
Minnie Burford, 1/16, D
married
William J. Self

mek
4751
Lillian C. Callcott, 20 1/2
married
Sam J. House, Jr.
mek
4616
Pryton M Self, 17
Willie E. Self, 9
Lillian G. Self, 3

Eliya B., or
Bashaber, or
Bersheba, or
Bersheba Walker, D
married
Joshua J. Ellis D

mek
4749
Maraney A. Ellis 58 1/8
married
David L. Dray

Ellis Dead
married
Byars

Louis Byars
Joe Byars
Goodlet Byars
Blanch Byars
married
Bolling

Martha E. Ellis, 1
married
P. A. Thurmond, D

mek
5318
Mattie J. Thurmond 46 1/2
married
David Myers

mek
5319
Lelia C. Myers, 24 1/2
mek
5320
Teranna Myers, 22 1/2
married
J. L. Tibbs, w
mek
5321
Fred Myers, 15
David Ray Myers, 11
Lona Myers 6

Caroline Walker
married
Watson

Mary Watson
Susan Watson
Jim Watson
Tom Watson
William Watson

George Washington Walker

William Booth Walker

Walker
(female)
married
Stanley

William Booth Walker D
married
Delphia M Clay D

^{with} Charles E. Walker, 49 1/2

wife
Lillie G. Walker

John W. Walker, 18

Saxton Walker, 9

John R. T. Walker, D
wife

① Martha L. Walker D

② Rebecca A. Walker D

^{with} Mary E. Walker, 47 1/2
married

Walter A. Brown

Brown

married
Henry M. London

Charles W. Brown

^{with} Robert M. Brown, 20

Florence Brown, 18

Walter Brown, 15

Esther Brown, 12

Edith Brown, 9

J. T. Walker

met
5417

John S. Walker, 35 1/2

wife

Mary E. Walker

met
5417

Rosa R. Walker 8

Mary S. Walker 18 mos

John R. S. Walker, D
(continue)

wife

① Martha L. Walker, D

② Rebecca A. Walker, D

met
5418

Henry S. Walker, 33 1/2

wife

Valencia Walker

met
5418

Henry S. Walker, Jr 4

George S. Walker 1 1/2

William Booth Walker, D

marries

Delphia M. Clay, D

met
5418

Kate R. Walker, 23 1/2

married

Coker, dead

Annie Walker

married

Beane

met
5433

Ada S. Walker 66 1/8

married

Williams

met
5418

Ann J. Walker, 60 1/8

married

Augustus A. Garrard

Lewis Williams

J. Sidney Williams

Flourice W. Williams

marries

Cooper

Charles R. Garrard

Clarence A. Garrard

Mary Walker Dead

married

Pierce

Duck Pierce

Edward Pierce

Sarah Pierce

McR
4750
Cornelia R. Walker, 58 1/2

married

- ① Buford
- ② Blair

Henry Walker

Jephtha V. Walker 1/2 D
wife

- ① Cynthia Walker, D
- ② Lucy A. Walker, I

Martha Ann Elizabeth Walker 1/2 D
married

David L. Drain, D

Mitchell A. Buford

Richard Blair

Ada Blair

married
Brinnitt

Alfred Truitt Blair

McR
4750
Nellie D. Drain 42 1/16

married

Sam J. House

Leonidas G. Drain, 35 1/16

wife

Engenia P. Drain { claims
chor.

See McR 4750

McR
4750

David W. Drain, 28 1/16

McR
4750

Sam L. House 13

Nell House 11

Edna House 9

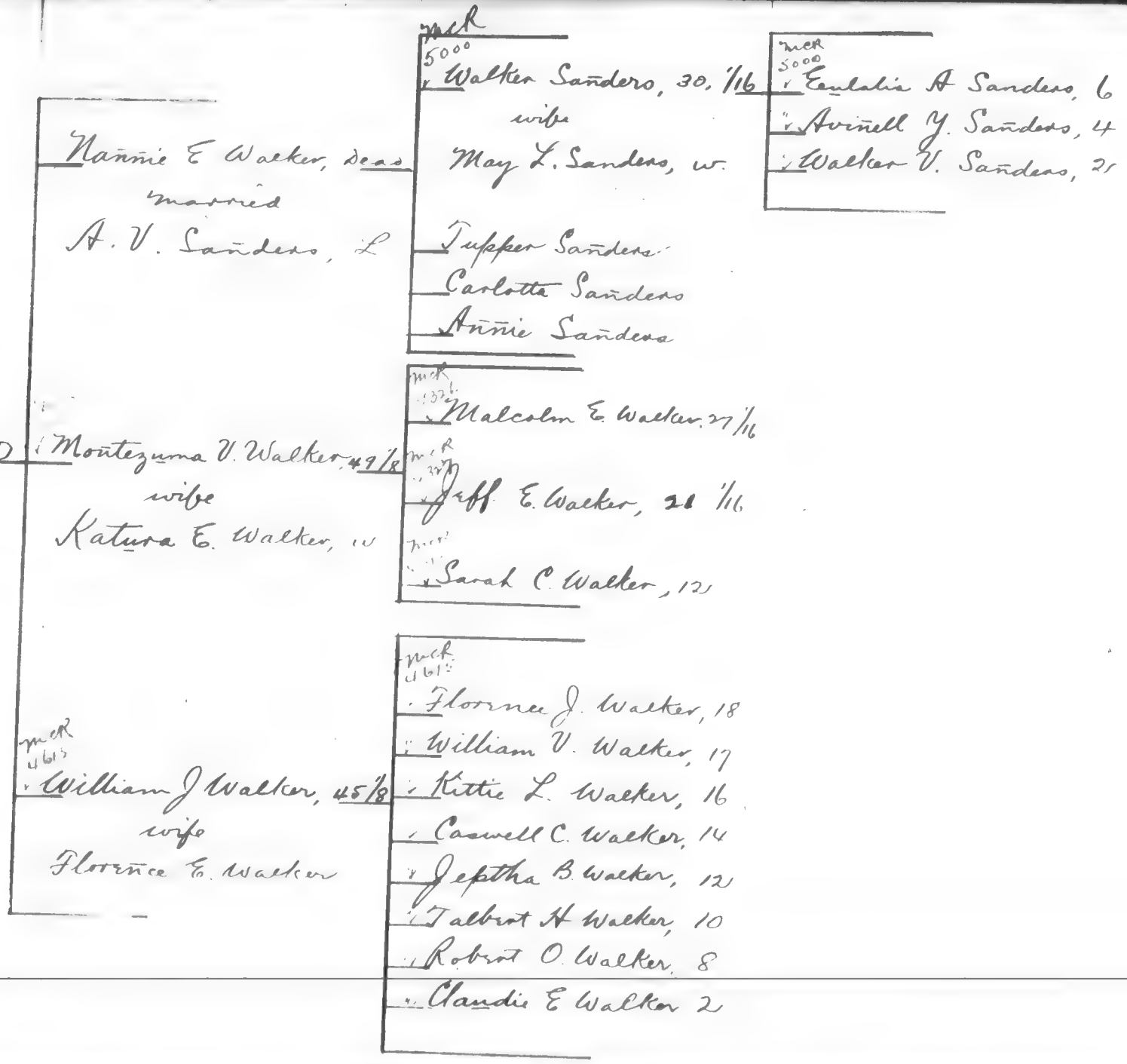
David L. House 5

Mabel House 8 mos

McR
4750

Guy Walker, Drain 8

See McR 4750



Jephtha V. Walker, 1/4 D
wife
① Cynthia Walker D
② Lucy A. Walker, L

Jeptha V. Walker, D
 wife
 ① Cynthia Walker, D
 ② Lucy A. Walker, L

nick
 43 39
 Junia T Walker 43, 18
 married
 Willie E. Gordon

nick
 39 45
 Jabero N. Walker, 42
 wife
 Cona Walker, W

nick
 45 39
 Sarah E. Walker, 41, 18
 married
 Alfred Eavenson

nick
 44 39
 Edward W. Gordon, 20
 " Willie D. Gordon, 18
 " Junia A. Gordon, 17
 " Robert N. Gordon, 15
 " Floy Gordon, 12
 " Henry W. Gordon, 9
 " Sallie J. Gordon, 7
 " Lennie L. Gordon, 5
 " Montie L. Gordon, 3

Lara Eavenson
 married
 Parks
 nick
 45 36
 " Clarence L. Eavenson, 17
 " Alfred V. Eavenson, 16
 " Thomas E. Eavenson, 15
 " Lenora E. Eavenson, 13
 " Earnest W. Eavenson, 12
 " Montezuma Eavenson, 9
 " Katie B. Eavenson, 7
 " George C. Eavenson, 5
 " Dora A. Eavenson, 4
 " Hetta B. Eavenson, 2

^{mch 4536}
Jeptha L. Walker, 39 1/8
 wife
 Allie B. Walker

^{mch 4536}
Charles L. Walker, 19
Jeptha V. Walker, 17
Edward D. Walker, 10
William T. Walker, 2

Lenora V. Walker
 married
 Crushaw

Jeptha V. Walker 1/2 D
 wife
 ① Cynthia Walker, dead
 ② Lucy A. Walker, L

Lucy Walker, Dead
 married
 Henry L. Ingram

Vinon Ingram 16

^{mch 4537}
Laura A. Walker, 31 1/8
 married
 Willie H. Ray

^{mch 4537}
Vera M. Ray, 15
Junia V. Ray, 14
Bustrom L. Ray, 12
Jeptha W. Ray, 8
Lucy J. Ray, 6
Ethel F. Ray, 3

^{mch 4535}
Mattie Walker, 28 1/8
 married
 Gus Bloss

No. 3800

For Identification as a Mississippi Choctaw.

Date

OCT 22 1901

Name John W. Lipsey

Age 65.

Blood

1/16

Post Office, Memphis, Tenn
Cor. Saxon & Murry Sts.

Father: Hezekiah W. Lipsey, d.

Mother: Elizabeth B. Lipsey, d.

Claims through mother.

~~John W. Lipsey~~

~~John W. Lipsey~~

Claims for self
alone -

Stenographer Hal Belford

Choctaw MCR 3801

Etta Dawson

See MCR 3689

MCR 3801

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 29, 1901.

#3501.

In the matter of the application of Etta Dawson for
the identification of herself and her two minor children, Lennie and
Ray Dawson, as Mississippi Cheetaws.

Applicant not represented by Attorney.

Etta Dawson, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Etta Dawson.
Q E-t-t-a-d-a-w-s-o-n? A Yes sir.
Q The last name? A D-a-w-s-o-n.
Q What is your age? A Twenty-nine.
Q Twenty-nine? A Yes sir.
Q What is your post office address? A Sir?
Q Post office address? A Pope, Texas.
Q How? A Pope, Texas.
Q Pope? A Yes sir.
Q How long have you lived in Pope? A I have lived there six years.
Q Where did you live before that? A Lived in Mississippi.
Q Did you always live in Mississippi before you went to Texas? A
Yes sir.
Q Where were you born---in Mississippi? A Born in Lee County.
Q Lee County? A Yes sir.
Q What is your father's name? A Frank Kendrick.
Q Frank what? A Kendrick.
Q How do you spell it? A K-e-n-d-r-i-c-k.
Q Is he living? A Yes sir.
Q What is your mother's name? A Elizabeth Kendrick.
Q Is she living? A Yes sir.
Q Through which parent do you claim Cheetaw blood? A Sir?
Q Through which one do you claim Cheetaw blood? A My mother.
Q How much Cheetaw blood do you claim? A Myself?

(2).

- Q Yes. A I claim a sixteenth part.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities, or the United States Authorities in the Indian Territory? A I don't know, sir.
- Q When and where were your father and mother married? A They was married in Mississippi.
- Q Do you know when----what date? A No sir, I don't.
- Q Don't remember the place in Mississippi? A No sir.
- Q Have you their marriage license and certificate, or any proof of their marriage? A Yes sir, it's at home.
- Q At home? A Yes sir.
- Q Reasonable time will be given you in which to introduce such testimony in support of this application. That is, prove their legal marriage? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Perry Dawson.
- Q Perry? A Yes sir.
- Q P-e-r-r-y? A P-e-r-r-y.
- Q Is he a white man? A Yes sir.
- Q You make no claim for him then, do you? A No sir.
- Q Have you any children you want to make application for? A I have three----one's dead though.
- Q Well, give me the name of the oldest? A Lennie.
- Q L-e-n-n-i-e? A Yes sir.
- Q Lennie Dawson? A Yes sir.
- Q How old is he? A He's six years old.
- Q And the next one? A Roy.
- Q Roy----how old is Roy? A Fifteen months old.
- Q Is Perry Dawson the father of these children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q Were you ever married to anyone before you married your husband, Perry? A No sir.
- Q And was he ever married before his marriage to you? A No sir.
- Q When and where were you married to him? A In Texas, at Pope.
- Q How? A At Pope, Texas.
- Q What date? A Eighth day of September, '92.
- Q By a minister? A Yes sir.
- Q What year did you say? A I really don't know. '92 I reckon, or '96.
- Q You have got a child six years old. Now when was it born after your marriage? A It was born in July after we was married in September.
- Q Well, you were married then in '96 weren't you? A Yes sir, I reckon it was.
- Q You claim for yourself and these children do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory, or the name of Lennie Dawson? A Did which?
- Q Is your name, or the name of your son, Lennie, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself or your oldest child, to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and your oldest child, to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation

(3).

by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

- Q Is this the first application of any kind that you have ever made for yourself and children, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission to be identified and to identify your children as Mississippi Choctaws, under article fourteen of the treaty of 1830? You claim under that article do you? A I don't understand you.
- Q Well, do you come here now to be identified as a Mississippi Choctaw, claiming under article fourteen? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q Article fourteen is the name of an article, or a portion of the treaty of 1830. That treaty was made between the Choctaw Indians at a place called Dancing Rabbit Creek, in Mississippi, on the twenty-seventh day of September, in that year, and the United States Government. The object of that treaty was the removal of all of the Choctaw Indians who lived in Mississippi and Alabama in what was known as the old Choctaw Nation, to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Choctaw Nation west of the Mississippi River, and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You have heard that read and explained. You also heard me read and explain it to this applicant, Mr. Lipsey. Is he your father? A No sir.
- Q Any relation to you? A No.
- Q Do you think you understand that article now? A I don't know whether I do or not.
- Q Well, do you think you understand it well enough to claim under it? A Well, I don't know. I don't understand it, but I don't know whether to say yes or no.
- Q Well, I will explain it to you further. The fourteenth article

(4).

required that in case a Choctaw desired to remain in Mississippi and receive land from the Government under its provisions, he should, within six months after the treaty of Dancing Rabbit Creek was ratified, signify his intention to the Agent. That is, he must let the Agent know in some way that he desired to stay in Mississippi and take advantage of the provisions of the fourteenth article of the treaty of 1830. The treaty of Dancing Rabbit Creek same one, treaty of 1830, was ratified on the twenty-fourth day of February, eighteen hundred and thirty-one. That is when it was ratified. Now if a Choctaw did signify his intention to the Agent to remain in Mississippi, he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. If he had a child in his family over ten years of age, that child was entitled to one half as much as its parent, or three hundred and twenty acres of land. If he had a child under ten years of age, that child was entitled to a quarter section, or one hundred and sixty acres of land. The reservation of the children must adjoin the location of the parent and these reservations must include the present improvement of the head of the family. That is, the improvements owned by the head of the family on the date that the treaty was made, or the twenty-seventh day of September, eighteen hundred and thirty. Now by the provisions of this fourteenth article, this Choctaw was required to live on his reservation for five years after the treaty was ratified, or for five years from February twenty-fourth, eighteen hundred and thirty-one, and he was then entitled to a grant in fee simple for the land. That is, he was entitled to a deed or patent of the land from the Government. The last clause of that article fourteen is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That clause means that in case a Choctaw preferred to stay there in Mississippi and become a citizen of the States, and receive land under article fourteen, he should not, by so doing, forfeit his rights to citizenship in the new Choctaw Nation here in the Indian Territory, except that he could not share in the annuity. That is, a money payment paid every year to these original Choctaws who came first. The Choctaw annuity was money which became due annually to the Choctaw Indians under treaty provisions. Do you understand that treaty now do you think? A Yes sir.

Q Do you know now, as you understand it, after hearing it read and explained----do you know if any of your Choctaw ancestors complied or attempted to comply with any of its provisions? A No sir.

Q What is the name of your ancestor that you claim your right to be identified through? What is that fellow's name away back there who was a Choctaw Indian that you are claiming through? A Lay-leek, or Blayleek.

Q What is his first name? A Dan.

Q Lay leek or Blayleek----is that right? A Yes sir, it was one or the other.

Q You don't know which? A No sir, I don't know which.

Q L-a-y-leek or B-l-a-y-leek? A Yes sir.

Q What relation was he to you? A He was my mother's great-grandfather.

Q Your mother's great-grandfather? A Yes sir.

Q Did he live in Mississippi in 1830? A I don't know sir.

(5).

- Q Do you know whether any of your Choctaw ancestors lived in Mississippi in 1830? A No sir.
- Q How much Choctaw blood did Dan Laylock or Blaylock have? A Full blood.
- Q Full blood was he? A Yes sir.
- Q Can you give the name of his child the one that you are descended from? A Pelly.
- Q What? A Pelly.
- Q Pelly Laylock or Blaylock? A Yes sir.
- Q You claim through your mother don't you? A Yes sir.
- Q She claimed through which parent----father or mother? A Her mother.
- Q What was her mother's name? A Her mother was named Polly Dawson.
- Q She claimed through which parent, father or mother? A Her mother
- Q What was her mother's name? A It was her mother, I guess.
- Q What was her mother's name? A Pelly Webb.
- Q Pelly Webb? A Yes sir.
- Q And she claimed through whom? A Sir?
- Q She claimed through which parent? A Through the Laylock.
- Q Through which Laylock? A Polly, and her name was Pelly, too.
- Q Now did any of your Choctaw ancestors ever live in the States of Mississippi or Alabama? A I don't know sir.
- Q Ever hear that they? A I don't know whether I ever did or not.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A No sir, not that I knew of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know that; either.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors own any land in Mississippi under article fourteen of the treaty of 1830, or claim any? A No sir, I don't know.
- Q Did any of your Choctaw ancestors own or claim any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q According to the provisions of article fourteen of the treaty of 1830 the United States Indian Agent, Colonel Ward, was instructed to make a list of the names of the Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. This Agent failed to make a complete list of the names of all of the Choctaws who came before him. In fact he made a list which contained only a very small fraction of all who came before him and complied with all the provisions of article fourteen as to making declarations of intentions to stay in Mississippi and take land there. This neglect on the part of the Agent caused many Indians to make complaints because they lost the land which they held in Mississippi and upon which they had improvements. This land was taken from them by the Government and sold. These complaints caused Congress to appoint a Commission which Commission went to the State of Mississippi and heard a great many Choctaw Indians who claimed rights under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. Do you know whether any of your Choctaw ancestors appeared before either the Commission of 1837

(6).

of the Commission of 1842 and claimed benefits under article fourteen of the treaty of 1830? A No sir, I do not.

- Q The Act of Congress approved August 23, 1842, provided that if any Indian who appeared before it proved his claim under article fourteen, if it further appeared that he had had his land taken from him by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that he should receive a certificate to that effect. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government? A No sir.
- Q Have you any documentary evidence that you would like to file now any papers that you would like to give me in support of this claim? A No sir, I guess not.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of her application and the application she makes for her children.

- Q Do you speak the Choctaw language? A No sir.
- Q Or understand it? A No sir, don't understand it.
- Q Have any of your relatives appeared here? A None only my sister and brother, Elliott Kendrick and Georgia Puckett.
- Q Do you want to have their testimony and the records in their cases considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.

This applicant has the appearance of being descended from white parentage; bluish gray eyes, medium fair complexion, brown hair. She does not understand the Choctaw language and had no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 22, 1901, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said cause on the said day of October, 1901. *Hal Belford*

Subscribed and sworn to before me this 23 day of November, 1901.

Clara M. Stollwood
Notary Public

COPY,

M C R 3801

Muskogee, Indian Territory, July 26, 1902.

Wita Dawson,

Pope, Texas.

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Georgia Puckett, et al., embracing the following applications for identification as Mississippi Choctaws:

Georgia Puckett, et al.,	M C R	3689
Williet Kendrick, et al.,	"	3688
Wita Dawson, et al.,	"	3801

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Etta Dawson, -2

Georgia Puckett, John Pluster Puckett, Louis Puckett, Mary L. Puckett, Elliot Kendrick, Hester Kendrick, Etta Dawson, Lonnie Dawson and Ray Dawson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

M.H.N.5601

COPY.

Muskogee, Indian Territory, September 2, 1902.

Etta Dawson,

Pope, Texas.

Dear Madam:

You are hereby advised that on the 20th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification on Mississippi Choctaws of the several persons included in the consolidated case of Georgia Puckett, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Yours truly,

(SIGNED)

James Bixby.

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

OCT 22 1901

Name

Etta Dawson

Age 29-

Blood 1/16

Post Office,

Pope, Texas.

Father: Frank Kendrick, l

Mother: Elizabeth " l

Claims through

Husband: Mother

Perry Dawson, W.

Claims nothing for
husband -

Children:

Lonnie Dawson, 6

Roy

"

15 m.

Claims for self
and children -

Stenographer

Hal Belford,

Choctaw MCR 3802

John W. Chisholm

See MCR 3591

MCR 3802

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 22, 1901.

#3802.

In the matter of the application of John W. Chishelm
for identification as a Mississippi Cheetaw.

Applicant not represented by Attorney.

John W. Chishelm, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A J. W. Chishelm, or John W. Chishelm.
Q C-h-i-s-h-e-l-m? A Yes sir.
Q What is your age? A Forty-nine.
Q What is your post office address? A Post office address is
Hobart.
Q What's that? A Hobart, Kiowa County.
Q Indian Territory? A No, Oklahoma Territory.
Q How long have you lived at Hobart? A Just since the opening of
the Kiowa and Comanche country.
Q Where were you born? A Born in Mississippi.
Q What place in Mississippi? A Itawamba County.
Q How long did you live in Mississippi? A I couldn't say, but I
was small though. I don't remember anything much about that.
Q You don't know when you left that state? A Well, I must have
been two or three years old.
Q Where did you go? A Arkansas.
Q How long did you live in Arkansas? A Either was there a year or
two years----my father, it was.
Q Do you know where you lived in Arkansas, when you went there as a
child? A Yes sir, Washington County.
Q Then you went from Arkansas where? A To Texas.
Q And how long did you stay in Texas? A Stayed there always until
now.
Q How? A Stayed there till Oklahoma opened up.
Q Where in Texas did you live? A In Grayson County.

(2).

- Q Always in Grayson County, Texas? A No sir. Stayed a year in Lamar County.
- Q But most of the time in Grayson? A Yes sir.
- Q And you have been in Oklahoma how long? A Since the opening-- twelve years.
- Q Where in Oklahoma? A Near Oklahoma City.
- Q What is your father's name? A Thomas Chisholm.
- Q Is he living? A No sir, he died in Arkansas.
- Q What is your mother's name? A Levina Mason.
- Q L-e-v-i-n-a? A Yes sir.
- Q Well, is her name Mason now? A Oh! she's dead now.
- Q Well, did she die a Mason? A No sir, A Ladd. She married again after she come to Texas.
- Q She is dead now? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A Through my mother.
- Q How much Choctaw blood do you claim? A Why, about one-eighth I should think.
- Q Has your mother ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians, by either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q When and where were your father and mother married? A Mississippi.
- Q How? A Mississippi.
- Q Where in Mississippi? A Why, in Itawamba County. I remember hearing them talk about that.
- Q Have you proof of their marriage with you? A No sir, I haven't.

Reasonable time will be allowed this applicant in which to prove the marriage of his father and mother.

- Q Do you apply for anybody besides yourself? A Nobody but myself.
- Q Are you married? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted into citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application for citizenship in the Choctaw Nation that you ever have made, either to the Choctaw Tribal Authorities or the United States Authorities? A This is the first.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of that treaty? A I understand some of that.
- Q You have heard it read and explained? A Yes sir, I have.

(3).

- Q Do you want a further explanation of it? A I don't know that I do.
- Q Do you think you understand it well enough to claim under it now without prejudice to your case, do you? A Yes sir.
- Q You waive the reading of it, do you? A Well, you might read it to me.
- Q Article fourteen of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now you understand that I guess? A Yes, I understand that.
- Q Do you know whether any of your Choctaw ancestors claimed any benefits under that article or complied with it in any way, or attempted to comply with it? A No sir, I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified? A Why Ralph Mason.
- Q What's that? A Ralph Mason.
- Q Ralph? A Yes sir. That's ma's father.
- Q Your mother's father----your grandfather on your mother's side? A Yes sir.
- Q Did he live in the State of Mississippi in 1830 that you know of? A He undoubtedly did. Of course I don't know it, only there's where they lived and mother and father was married.
- Q Well, what do you know about his having lived in the State of Mississippi? A I mean through what source? A Well, it's handed down through the family.
- Q That's family history and family tradition? A That's all.
- Q Well, do you understand that he did live there? A Why certainly.
- Q When did he live there, if you ever heard? A Well, it must have been along about the time mother was married and before.
- Q When was that? A Well, they must have been----we must have lived there in along near '50, sometime.
- Q Must have left there in the fifties? A In '50, somewhere along there.
- Q Where did you go from Mississippi? A Where did grandfather go to?
- Q Yes. A Well, he went west, and he died on the road going home.
- Q He went west where? A That's what the folks said.

(4).

- Q He went west where? A Well, come to Texas, I reckon.
- Q He went from Mississippi did he? A Yes sir, he went from Mississippi.
- Q Your mother died when? A Died in '61 or '62----the latter part of '61.
- Q How old was she when she died? A Well, I couldn't tell that.
- Q About how old----old woman or a young woman? A Well, she must have been a middle aged woman, because she would be about seventy years old now.
- Q Was she born in Mississippi? A Yes sir, she was born in Mississippi----no here----I don't know.
- Q You don't know? A No sir.
- Q Well, she was born about 1830. Now you don't know where she was born? A No sir.
- Q You don't know when her father, Ralph Mason lived in Mississippi? A Well, he lived there about the time----I know this; there's where they lived when grandpa Mason lived and died you know.
- Q Yes but when? I must get something definite. A Yes of course, but that's what I am trying to get at. Must have been along in '50 somewhere.
- Q You don't know where he was living in 1830 then? A No, I don't.
- Q Did any of your Choctaw ancestors ever own any improvements on land in 1830, in Mississippi? A I don't know that.
- Q Did they ever go any of them from Alabama and Mississippi to the Choctaw Nation Indian Territory between 1833 and 1838 that you ever heard? A No, not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to live in Mississippi and take land there? A I don't know that.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in 1830, or any time before that? A I couldn't say.
- Q Which they received from the Government under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive or claim any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q In accordance with the provisions of article fourteen of the treaty of 1830, the United States Indian Agent, Colonel Ward, was required to make a list of the names of all Choctaw Indian claimants who claimed benefits under article fourteen, and who went to said Agent within six months after the ratification of that treaty and told him they wanted to stay in Mississippi and take land there and become citizens of the United States. This Agent failed to record the names of the greater portion of Indians who went before him under the provisions of article fourteen. As a result of his neglect a great many Indians lost their land in Mississippi. It was taken from them and sold by the Government. This caused a great many complaints, and in 1837 Congress appointed a Commission. This Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek and made a list of the names of successful claimants. In 1842 another Commission was appointed by Congress for the same purpose and they made a list of the names of successful claimants under article fourteen. Do you know if any of your Choctaw ancestors went before either of these Commissions, that of 1837 or the Com-

(5)

mission of 1842 and claimed benefits under article fourteen? A I do not.

- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of dancing Rabbit Creek, but that his land had been sold by the Government he should be entitled to select land elsewhere in the State of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A Not that I know of.
- Q Have you any documentary evidence you want to file now? A Not at present.

Reasonable time will be allowed this applicant in which to file documentary evidence, or any proper evidence in support of this application which he makes in his own behalf. Also to file evidence in proof of the marriage of his father and mother.

- Q Do you understand or speak the Choctaw language? A No sir.
- Q Have you any relatives who have appeared before the Commission for identification? A My brother.
- Q What is his name? A W. H. Chisholm.
- Q He claimed through Ralph Mason? A Yes, I reckon so.
- Q Do you want to have his testimony considered with yours so that you can get the benefit of what he has sworn to? A Yes.

This applicant has the appearance and physical characteristics of being descended from White parentage. Has medium dark complexion, brown eyes, brown hair and moustache. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 22, 1901, and that the above foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 23rd day of November, 1901.

Hal Belford
Clara Mitchell
Notary Public.

COPY.

N.C.R. 5808.

McKee, Indian Territory, July 22, 1902.

John W. Chisholm,

Rebart, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 22d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Chisholm, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Chisholm, et al.,	N.C.R. 5801
James A. Ladd, et al.,	" 5802
Walter Chisholm, et al.,	" 5762
George W. Chisholm, et al.,	" 5765
John W. Chisholm,	" 5808
Thomas Ralph Chisholm, et al.,	" 5803

These applications were made under the provision of the act of Congress of June 20, 1896 (30 Stat. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Chisholm, John M. Chisholm, Josie Fern Chisholm, Henrietta Chisholm, Winnie Belle Chisholm, James A. Ladd, James Luther Ladd, Arthur Ladd, Levina Belle Ladd, Walter Chisholm, Pearl Chisholm, George W. Chisholm, William H. Chisholm, Jr., John W. Chisholm, Jr., Ethel Chisholm, John W. Chisholm, Thomas Ralph Chisholm, Bessie Chisholm, Allie Chisholm and Jessie Lois Chisholm, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

E. B. ...

Commissioner in Charge.

Registered.

COPY.

M. C. R. 3902.

Muskogee, Indian Territory, November 22, 1902.

John W. Chisholm,

Hobart, Oklahoma.

Dear Sir:

You are hereby advised that on the 11th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm, et al., of which decision you were advised by registered mail on the 22d day of July, 1902.

The Commission is directed to furnish you a copy of the letter of the Secretary of the Interior affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon, and the same are herewith inclosed.

Respectfully,

MB:1

Acting Chairman.

Inclosures.

MBB 3

Muskogee, Indian Territory, March 24, 1904.

John W. Chisholm,
Hobart, Oklahoma.

Dear Sir:

The Secretary of the Interior with his letter of March 2, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Malinda C. Satterfield for the identification of herself and minor children as Mississippi Choctaws; also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., it appearing from the records that said Malinda C. Satterfield claims her Choctaw descent through Ralph (or Thomas Ralph) Mason, the same ancestor through whom the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al. claim descent. These records were returned in order that the several applicants might be granted an opportunity to introduce additional testimony and evidence in support of their claim.

In a letter to this Commission, under date of June 5, 1903, relative to the Mississippi Choctaw case of Malinda C. Satterfield, et al., the Secretary of the Interior stated that the name Mason appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office.

J W C 2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood, but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830 or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

J W C 3

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep
Registered

Commissioner in Charge.

²
M.C.R. 3802

COPY.

Muskogee, Indian Territory, November 30, 1904.

John W. Chisholm,
Hebart, Oklahoma Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 22, 1904, refused to disturb the decision of this Commission of July 22, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm et al.

Respectfully,

(SIGNED)

I P. 6152

Commissioner in Charge.

18/19/05

Received of Com to 5 Civilized
Tribes re copy of the testimony
of John W. Chisholm, M. C. 3802

Maurice W. Murray Hornish
JR

Copy of the testimony in this case sent to Mansfield, McMurray &
Cornish, April 14, 1904.

McM

No. 3802

For Identification as a Mississippi Choctaw.

Date

OCT. 22 1901

Name

John W. Chisholm

Age

49

Blood

1/8

Post Office,

Cobart, Okla.

Father;

Thomas Chisholm, d.

Mother:

Levina Ladd, d.

Claims through

mother.

~~Claims for self alone~~

Claims for self alone

Stenographer

Walter Buford

Choctaw MCR 3803

Thomas R. Chisholm

See MCR 3591

MCR 3803

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 22, 1901.

45003.

In the matter of the application of Thomas E. Chisholm
for the identification of himself and his three minor children, Ros-
sie, Allie, and Joseph L. Chisholm, as Mississippi Choctaws.

Applicant not represented by counsel.

Thomas E. Chisholm, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Thomas Ralph Chisholm.
Q What is your age, Mr. Chisholm? A Forty-four.
Q What is your present office? ~~Commissioner of the Five Civilized Tribes~~, Oklahoma.
Q What is that? A Choctaw, Oklahoma.
Q How long have you lived there? A I have lived there about twelve
years, off and on.
Q Where were you born? A Born in Washington County, Arkansas.
Q How long did you live there? A Well, my mother removed the same
year I was born.
Q And she went where? A To Lamar County, Texas.
Q And you have lived in Texas since? A Since, until twelve years
ago.
Q Until you went to Oklahoma? A Yes sir.
Q What is your father's name? A Thomas Chisholm.
Q Is he living? A No sir.
Q What was your mother's name? A Her name was Leving.
Q She is dead is that? A Yes sir.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim through your mother? A That
is, I claim for myself through her, you mean?
Q Yes sir. A I claim as eighth.
Q Has your mother ever been recognized in any way, or enrolled as a
member of the Choctaw Tribe of Indians, by either the Choctaw Tri-
bal Authorities or the United States Authorities? A Not as I

(2).

knew of.

- Q When and where were your father and mother married? A Well, all I knew about it is the family tradition and the statements of the neighbors that lived in their neighborhood. I don't know anything about it at all.
- Q Have you the proof of their marriage with you? A No sir.
- Q Do you think you can get it if given time? A Yes sir.

Reasonable time will be allowed this applicant to get the proof of the marriage of his father and mother.

- Q Were they married by a minister under a license, do you know? A I don't know.
- Q You don't know about the facts? A Don't know what the law was where they lived.
- Q Your father was a white man was he? A Yes sir, I suppose so.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mary J.
- Q Is she a white woman? A Yes sir.
- Q You don't claim for her then? A No sir.
- Q Give me the names of your children commencing with the eldest that you want to make application for? A Bessie.
- Q Bessie? A Bessie.
- Q Bessie Chishelm? A Yes sir.
- Q How old is Bessie? A Fourteen.
- Q The next? A Allie.
- Q A-l-l-i-e? A Yes sir.
- Q Boy or girl? A Girl.
- Q Age? A Eleven.
- Q Next? A Jessie Lois.
- Q What is that? A J-e-s-s-i-e L-o-i-s.
- Q Jessie L., then? A Yes sir, that's right.
- Q How old is she? A Twenty-one months.
- Q How? A Twenty-one months.
- Q Is that all you have----all the children? A That's all I have.
- Q Is your wife Mary J. the mother of these children? A How's that?
- Q Mary J. is the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q You claim for yourself and children do you? A Yes sir.
- Q Was your wife ever married before her marriage to you? A No sir.
- Q Or were you ever married before your marriage to her? A No sir.
- Q When and where were you married to her? A Grayson County, Texas.
- Q When? A 1883.
- Q Day of the month? A First day of July. I have my certificate with me, in my pocket.
- Q You have it with you? A Yes sir.
- Q You wish to file it do you? A Yes sir.
- Q Have you any other evidence you wish to present now? A No sir.
- Q Have you any documentary evidence? A Nothing for myself.
- Q You have just this? A Yes sir.

(3).

Certified copy of the marriage license and certificate of T. R. Chishelm and M. J. Farris, presented by applicant, received, filed, marked exhibit "A", and made a part of the record in this case.

Reasonable time will be allowed this applicant in which to introduce other evidence or testimony if he desires in support of this application. Also proof of the marriage of his father and mother.

- Q Is your name or the name of any of your children on any of the Tribal Rolls of the Chectaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Chectaw Nation to the Chectaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Chectaw Nation to the Daves Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Chectaw Nation with your children, by either the Chectaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for yourself or children for citizenship in the Chectaw Nation, to either the Chectaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified and of getting your children identified as Mississippi Chectaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of that treaty? A I think I do. I have heard you repeat it several times.
- Q You have heard it read and explained half a dozen times this morning, have you? A Yes sir.
- Q And now do you think you understand it so that you can answer our questions without a further explanation? A Yes sir.
- Q You waive then, a further explanation, do you? A Yes sir.
- Q Do you think then, as you have heard it read and explained, that you can say whether or not any of your ancestors complied or attempted to comply with any of the provisions of that article? A I couldn't say that they did at all. I don't know anything about it.
- Q Your ancestor is whom, through whom you claim your right to be identified? A Ralph Mason.
- Q Ralph Mason----what kin to you? A Grandfather.
- Q Your mother's father? A Yes sir.
- Q Did he have an Indian name? A I don't know.
- Q Did he speak the Chectaw language? A I don't know.
- Q Did he live in Mississippi in 1830? A I don't know that.
- Q Or any time before that? A I can state what I think, where they lived in mother's childhood years, yes. From what I have heard from the neighbors----neighbors have told me that knew the family.
- Q What do you know about his having lived in Mississippi? A Well,

(4).

- I was going to say in Alabama, right on the line.
- Q In the old Choctaw Nation? A Yes sir, they lived there during the school days of my mother---lived in Alabama near the line.
- Q Near the western line? A Yes sir. And after their marriage they moved over into Mississippi---my father and mother did.
- Q Well, did they lived in that tract of country along the western boundary line between Alabama and Mississippi which was included in the old Choctaw Nation? A That's my understanding, and right near the line. Right in the same neighborhood, as I understand it that they lived in, only just the line run through the neighborhood as I understand.
- Q Well now, was that in 1830 or when was it? A Well, it was when she was probably ten or twelve years old. It was in her school days.
- Q When was she born? A Well, I couldn't say.
- Q How old would she be now if she were living? A She'd be about seventy-five.
- Q She was born then, about 1827? A Somewheres along there, '27 or '30.
- Q Born where? A Well, I don't know in what place it was. I would suppose it was Alabama for she lived there in her childhood. I don't know which side of the line she was on.
- Q You don't know whether her father was living there at that time? A No, I don't.
- Q Do you know whether any of your ancestors were heads of families in Mississippi or Alabama in 1830? A No, I don't.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know that.
- Q Did any of them go from Mississippi or Alabama to the Choctaw Nation Indian Territory, between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land or any improvements whatever under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know about that.
- Q The United States Indian Agent who lived in Mississippi in the year 1830, was requested by the Government of the United States to make a list of the names of all of the Choctaw Indians who came before him within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there. He neglected to make a full list of the names of all claimants who did this his list being very meagre, containing the names of very few of the total number who came before him under article fourteen and pursuant to its provisions, so that after 1830, some years following the year 1830, a great many Choctaw Indians who held land in Mississippi and Alabama had their land taken from them and sold by the Government. This caused so many complaints among the Indians that in 1837 Congress appointed a Commission and this Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830, and made a list of the names of all successful claimants. In 1842

(5).

another Commission was appointed by Congress for the same purpose. They made a list of the names of successful claimants under article fourteen. Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

- Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors get any such scrip from the Government? A I don't know.
- Q Do you understand or speak the Choctaw language? A No sir.
- Q Is there anything more you would like to say in support of your claim? A Not that I know of.
- Q Have any of your people made application for citizenship before you here? A My two brothers and half brother.
- Q What are their names? A W. H. Ghisholm.
- Q When did he come here? A Been a couple of weeks ago.
- Q And this brother---what is his name? A J. W.
- Q Any others? A James A. Ladd, a half brother.
- Q He claimed through the same common ancestor? A Yes sir.
- Q Do you want to have their testimony considered with yours that you may get the benefit of it? A Yes sir.
- Q Is there anything more you want to offer in support of this claim? A Nothing that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes, gray hair, formerly black, medium dark complexion. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Mal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 22, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 27 day of November, 1901.

Mal Belford
Clara Mitchell Wood
Notary Public

COPY.

H.C.R. 3603.

Muskogee, Indian Territory, July 22, 1908.

Thomas R. Chisholm,

Deerho, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 22d day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William R. Chisholm, et al., embracing the following applications for identification as Mississippi Choctaws:

William R. Chisholm, et al.,	H.C.R. 3591
James A. Ladd, et al.,	" 3592
Walter Chisholm, et al.,	" 3762
George W. Chisholm, et al.,	" 3763
John W. Chisholm,	" 3602
Thomas Ralph Chisholm, et al.,	" 3603

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

copy.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Chisholm, John M. Chisholm, Jessie Fern Chisholm, Henrietta Chisholm, Winnie Belle Chisholm, James A. Ladd, James Luther Ladd, Arthur Ladd, Levina Belle Ladd, Walter Chisholm, Pearl Chisholm, George W. Chisholm, William H. Chisholm, Jr., John W. Chisholm, Jr., Ethel Chisholm, John W. Chisholm, Thomas Ralph Chisholm, Bessie Chisholm, Allie Chisholm and Jossie Lois Chisholm, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(S)

Commissioner in Charge.

Registered.

COPY

N. C. R. 3863

Waskagee, Indian Territory, November 22, 1902.

Thomas R. Chishelm,
Okarche, Oklahoma.

Dear Sir;

You are hereby advised that on the 11th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chishelm, et al., of which decision you were advised by registered mail on the 22d day of July, 1902.

The Commission is directed to furnish you a copy of the letter of the Secretary of the Interior affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon, and the same are herewith inclosed.

Respectfully,

Acting Chairman.

Inclosures.
MOB 4

Muskogee, Indian Territory, March 24, 1904.

Thomas R. Chisholm,
Okarche, Oklahoma.

Dear Sir:

The Secretary of the Interior with his letter of March 2, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Malinda C. Satterfield for the identification of herself and minor children as Mississippi Choctaws; also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., it appearing from the records that said Malinda C. Satterfield claims her Choctaw descent through Ralph (or Thomas Ralph) Mason, the same ancestor through whom the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al. claim descent. These records were returned in order that the several applicants might be granted an opportunity to introduce additional testimony and evidence in support of their claim.

In a letter to this Commission, under date of June 5, 1903, relative to the Mississippi Choctaw case of Malinda C. Satterfield, et al., the Secretary of the Interior stated that the name Mason appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office.

T R C 2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to

T R C 3

the acceptance of ex parte affidavits in support of Mississippi Choctaw cases and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby advised that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served on Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & B Dep
Registered

Commissioner in Charge.

M.O.B. 3503

COPY.

Muskogee, Indian Territory, November 30, 1904.

Thomas R. Chisholm,

Okarche, Oklahoma Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 22, 1904, refused to disturb the decision of this Commission of July 22, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm et al.

Respectfully,

(SIGNED)

T. E. Weaver,

Commissioner in Charge.

Copy of the testimony in this case sent to Mansfield, McCurray
Cornish, April 14, 1904.

c

No. 3803

For Identification as a Mississippi Choctaw.

Date OCT 22 1901

Name Thomas R. Chisholm

Age 44 — Blood 1/8

Post Office, Okarche, Okla

Father: Thomas Chisholm, d

Mother: Levina Ladd, d

Claims through mother
wife, Mary J. " w.
No claim for wife,

Children:

Bessie Chisholm, 14
Allie (girl) " "
Josie L " " 21 m,

Claims for self
& children,

Stenographer Hal Buford

Choctaw MCR 3804

Eva Mathews

See MCR 3661

MCR 3804

Department of the Interior,
Commissioned to the Five Civilized Tribes.
Atoka, Indian Territory, October 22, 1901.

25004.

In the matter of the application of Eva Mathews for
the identification of herself and her two minor children, Dolly and
Bern Mathews, as Mississippi Choctaws.

Applicant not represented by Attorney.

Eva Mathews, being first duly sworn, upon her oath
testifies as follows.

Examination by the Commission.

- Q What is your name? A Mrs. Eva Mathews.
Q E-v-a? A Yes sir.
Q How many T's in that? A Just one---M-a-t-h-e-w-s.
Q What is your age? A Twenty-two years old.
Q What is your post office address? A Rogers, Arkansas.
Q Rogers? A Yes sir.
Q How do you spell that Rogers? A R-o-g-e-r-s.
Q How long have you lived at Rogers? A Lived there nine years, in
town.
Q Nine years? A Yes sir.
Q What place? A Rogers.
Q You lived at Rogers nine years? A Yes sir.
Q And where did you live before you lived at Rogers? A We lived
around close to Rogers.
Q How long? A Ever since I could remember.
Q Always lived near Rogers? A Yes sir.
Q Born near there? A Yes sir.
Q What is your father's name? A Camden.
Q Yes, full name? A Bruce Camden.
Q Bruce? A Bruce Leroy Camden---Leroy Bruce. Always used to call
him Bruce.
Q C-a-m-d-e-n, is it? A Yes sir.
Q Is he the same Leroy B. Camden who has made application for iden-
tification here before the Commission? A Yes sir.

Q2).

- Q When did he come here----about how long ago? A The last time he was here was about two weeks ago.
- Q Have any others of your relatives appeared here for identification besides your father? A Yes sir.
- Q Who has been here? A Well, there's been Mrs. Alexander and one, ----two sisters, Mrs. Melon, and then a single sister and one brother. That's all.
- Q What is his name? A Andrew Camden.
- Q These have all been before the Commission have they? A Yes sir.
- Q And they all claim through the same common ancestor with you? A Yes sir.
- Q What is the name of the one you claim through----all of you? A Nathaniel Payne.
- Q What? A Nathaniel Payne.
- Q P-a-y-n-e, is it? A Yes sir.
- Q Do you want to have their testimony taken with yours in order that you may get the benefit from what they have testified to? A Yes sir.
- Q What is your mother's name? A Dirinda Camden.
- Q That's D-i-r-i-n-d-a, isn't it? A D-i-r-i-n-d-a.
- Q Is she living? A Yes sir.
- Q You claim through your father, do you? A Yes sir.
- Q How much Choctaw blood do you claim through your father? A One-eighth or one-sixteenth, I don't know which.
- Q You don't know which, one-eighth or one-sixteenth. Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities? A I don't know.
- Q When and where was he married to your mother----if you know? A I don't know.
- Q Do you know whether they were married by a minister under a license? A No sir, I don't.
- Q Have you any proof of their marriage with you now? A No sir.

Reasonable time will be allowed this applicant in which to file proof of the marriage of her father and mother.

- Q Are you married? A Yes sir.
- Q What is your husband's name? A John Mathews.
- Q What? A John Mathews.
- Q M-a-t-h-e-w-s? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q You don't make any claim for him then do you? A No sir.
- Q How many children have you under twenty-one years of age and unmarried that you want to make application for? A Just for these two.
- Q Two----what is the name of the oldest? A Polly.
- Q P-e-l-l-y? A Yes sir.
- Q Polly Mathews----how old is Polly? A Two years and a half old.
- Q What is the name of the next child? A Fern.
- Q What? A Fern.
- Q F-e-r-n? A Yes sir.
- Q Girl? A Yes sir.
- Q How old is she? A Six weeks.

(3).

- Q You make application for these two and yourself, do you? A Yes sir.
- Q When and where were you married to your husband, John Mathews? A Bentonville, Arkansas.
- Q Where was that? A Bentonville, Arkansas.
- Q Do you remember the time? A Yes sir.
- Q Day of the month and year? A Married the Fourth Day of July, 1895.
- Q On the Fourth of July? A Yes sir.
- Q Were you married by a minister under a license? A Yes sir, Reverend Carnahan.
- Q Is your name or the name of these children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A Never did.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever made application to any authority for citizenship in the Choctaw Nation, either the Choctaw Tribal Authorities or the United States authorities before this? A No sir.
- Q And you never have been admitted as a citizen of the Choctaw Nation by any authority? A No sir.
- Q Do you now come before the Commission for the purpose of the identification of yourself and children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty---article fourteen? Do you understand it do you think? A Why, I don't know.
- Q The treaty of 1830 was entered into between the United States Government and the Choctaw Tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi and was made between the Choctaw Tribe of Indians who lived in the old Choctaw Nation partly in Mississippi and partly in Alabama, and the United States Government. The object of that treaty was to effect the removal of all of the Choctaw Indians from the old Choctaw Nation to the New Choctaw Nation Indian Territory, west of the Mississippi River. Before the treaty was signed it became apparent that a great many Choctaw Indians would not go to the Indian Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be over ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall

(4).

include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article now as read and explained? A Yes sir, I guess so.
- Q You think you understand it now? A I don't know.
- Q Well, do you understand what that treaty was for? To get the Choctaws all to leave that country and come to this---you understand that? A Yes sir.
- Q And you also understand that some didn't want to go and that article fourteen was drawn up and put into the treaty to protect their interests---you understand that don't you? A Yes sir.
- Q And that it provided---that article provided that they might stay in Mississippi and have land there and live upon it and own it after five years time. You understand that? A Yes sir.
- Q If they went to the United States Indian Agent within six months time after that treaty became ratified and told him that they wanted to stay there and take land there. You understand that? A Yes sir.
- Q Now then, if they did that they could afterwards go to the Choctaw Nation, Indian Territory---right here. If they did that they could come here and become citizens here. You understand that? A Yes sir.
- Q Well, then, you understand the provisions of that article, don't you now? A Yes sir, I guess so.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of those provisions as explained and read to you? A I don't know sir.
- Q You don't know whether Nathaniel Payne did? A No sir.
- Q You claim through what parent---father or mother? A Yes sir.
- Q Father? A Through my grand-mother and father.
- Q You claim through your father don't you? A Yes sir.
- Q And he claimed through which parent---his father or his mother? A His mother.
- Q What was her name? A O-d-e-l-i-a Payne.
- Q O-d-e-l-i-a? A Yes sir.
- Q And then she claimed through father or mother? A Father.
- Q What was his name---Nathaniel Payne? A Nathaniel Payne.
- Q Great-grandfather of yours then, wasn't he? A Yes sir.
- Q How much Choctaw blood did he have do you think? A He was a Choctaw.
- Q Full blood? A Yes sir.
- Q How do you know he was full blood? Who told you? A That's what my grandmother always told me.
- Q Your grandmother always told you? A Yes.
- Q His daughter? A Yes sir.
- Q Did she look like an Indian? A Well, I don't very well remember her. I was small the last time I saw her.
- Q Did he have an Indian name do you know? A Sir.
- Q Did he have an Indian name? A I don't know that.
- Q Didn't call him Mushalatubbe or anything like that? A I don't know.
- Q Did he live in Mississippi ever in his life? A I don't know that.
- Q Didn't you hear he ever lived in Mississippi? A No sir.
- Q Did his daughter live in Mississippi, your grandmother? A Don't know that.
- Q Did any of your Choctaw ancestors ever live in Mississippi do you know? A Don't know whether they did or not.

(5).

- Q Did he or any of your Choctaw ancestors ever own any improvements on land in Mississippi in 1830? A I don't know.
- Q Did he or any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A I do not know.
- Q Do you know whether they received any land or claimed any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q According to the provisions of Article Fourteen of the treaty of Dancing Rabbit Creek, the United States Indian Agent, Colonel Ward, was instructed by the Government to make a list of the names of all Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and told him that they wanted to take land in Mississippi and stay there and live on it and become citizens of the United States. This Indian Agent failed to record the names of most of the Indians who came to him.
- His list called Ward's register contains the names of a small portion of all who came to him under article fourteen and this neglect on his part caused many Indians who lived in Mississippi to lose their land. It was sold by the Government with improvements upon it. This caused so many complaints on the part of the Indians in Mississippi and Alabama that Congress in 1837 appointed a Commission by act of Congress approved March 3rd of that year and this Commission went to the State of Mississippi and heard claimants under article fourteen and made a list of the names of successful claimants. In 1842 another Commission was appointed by Congress for the same purpose and they made a list of the names of successful claimants under article fourteen. Do you know whether any of your ancestors appeared before either of those Commissions claiming benefits under article fourteen of that treaty? A No sir.
- Q You don't know? A No sir.
- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had proven his claim before that Commission and it also appeared that he had had his land sold, that he should be entitled to select land in either Alabama, Louisiana, Arkansas or Mississippi and that he should receive a certificate to that effect. These certificates were called scrip. Do you know if any of your ancestors received any such scrip from the Government as Choctaw Indians? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir, I don't.
- Q Is there anything more you want to say about your case? A No sir, that's all, I guess.
- Q Have you any documentary evidence of any kind that you want to introduce now in support of this claim? A No sir.

(5).

This applicant has the appearance and physical characteristics of being descended from white parentage. Black eyes, medium dark complexion, dark brown hair. She does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1850.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 22, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 27 day of November, 1901.

Cora Mitchell Wood

Notary Public

COPY.

M.C.R. 3804

Muskogee, Indian Territory, July 12, 1902.

Eva Mathews,

Rogers, Arkansas.

Dear Madam:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathaniel P. Gotcher, et al., embracing the following applications for identification as Mississippi Choctaws:

Nathaniel P. Gotcher,	M.C.R. 3661
Leroy B. Camden,	M.C.R. 3662
Harriet Alexander, et al.,	M.C.R. 3664
John N. Camden,	M.C.R. 3660
Mary Camden,	M.C.R. 3668
Andrew B. Camden,	M.C.R. 3665
Eva Mathews, et al.,	M.C.R. 3804
Effie Myler, et al.,	M.C.R. 3667
J. N. Camden, et al.,	M.C.R. 4364

These applications were made under the provisions of the Act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concludes September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

B H

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nathaniel P. Cetcher, Leroy N. Camden, Harriet Alexander, Guilford Alexander, George Alexander, Harriet Alexander (B), Heather Alexander, John W. Camden, Mary Camden, Andrew H. Camden, Eva Mathews, Polly Mathews, Fern Mathews, Effie Myler, Ethel Myler, J. N. Camden and Georgia H. Camden, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Registered.

James Dixby

Acting Chairman.

N.C.R. 3894.

Muskogee, Indian Territory, October 8, 1908.

Eva Mathews,

Rogers, Arkansas.

Dear Madam:

You are hereby advised that on the 30th day of September, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nathaniel P. Gotcher, et al., of which decision you were advised by registered mail on the 18th day of July, 1908.

Respectfully,

Acting Chairman.

No. 3804

For Identification as a Mississippi Choctaw.

Date OCT 22 1901

Name Eva Mathews.

Age 22

Blood $\frac{1}{8}$ or $\frac{1}{16}$

Post Office, Rogers, Ark.

Father: Leroy B. Camden, l.

Mother: Miranda " l

Claims through father -
husband John Mathews, w.
No claim for husband.

Children:

Polly Mathews, $2\frac{1}{2}$
Fern (jic) " 6 years

Claims for self
and 2 children.

Sincerely Love Belton

Choctaw MCR 3805

Chesley C. Bowen

See MCR 3806

MCR 3805

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Chesley C. Bowen,
et al., for identification as Mississippi Choctaws, consolidating
the applications of

Chesley C. Bowen.....N.C.R. 3805
Dunwood W. Bowen, et al.....N.C.R. 3806.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Chesley C. Bowen, et al.

Original application of Chesley C. Bowen to the Dawes Commission for identification as a Mississippi Choctaw.....	1
Testimony of Mary Bowen.....	6
Testimony of Dunwood Bowen.....	9
Original application of Dunwood W. Bowen et al., to the Dawes Commission for iden- tification as Mississippi Choctaws.....	12
Testimony of Mary Bowen.....	19
Additional testimony of Dunwood Bowen.....	20
Affidavit of T. W. Ford.....	23
Affidavit of Mary Bowen.....	24

(2).

Affidavit of W. L. Dethery.....	25
Affidavit of J. Hardin.....	26
Decision of the Commission denying the appli- cations for identification as Mississippi cheetaws in the consolidated case of Chesley C. Bowen, et al.....	27

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Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 22, 1901.

12005.

In the matter of the application of Chesley C. Bowen
for identification as a Mississippi Choctaw.

Rek Brock, attorney for applicant. Do not read.

Chesley C. Bowen, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is the name? A Bowen.
Q Full name? A Bowen---B-o-w-e-n.
Q First name? A Chesley.
Q C-h-e-s-l-e-y? A Yes sir, that's right. Chesley C.
Q What is your age? A Sixty-four.
Q What is your post office address? A Bafaula.
Q How long have you lived there? A We have been living there---my
brother's been living there a year. He made a crop there this
year.
Q Where did you live before you lived in Bafaula? A Mississippi.
Q What place in Mississippi? A Well, we lived in what was known as
Choctaw County, but for the last few years it's been cut off and
called Calhoun.
Q How long did you live in Mississippi? From the time of your birth
how long? Until you went to Bafaula? A Well, up to the first of
last September, my brother did. I have been out here five years
ago.
Q You lived in Mississippi till five years ago? A Yes sir.
Q And five years ago you came to the Indian Territory? A Yes sir.
Q What place? A Bafaula, or Bow Switch.
Q What is your father's name? A Willard Bowen.
Q Willard? A Yes sir.
Q Is he living? A No sir.
Q What is your mother's name, or was---is she dead? A Yes sir.
Q What was her name? A Peter Elizabeth.

(2).

- Q Betsy E.? A Yes sir.
- Q How are you sure that's Betsy? A Yes sir.
- Q Because Betsy is a contraction of Elizabeth, you know. A Well, her name was always signed Betsy Elizabeth.
- Q Through which parent do you claim Cheetaw blood? A Through my father.
- Q How much Cheetaw blood do you claim? A Father was a half-breed.
- Q How much do you claim? A Would be a quarter.
- Q One quarter----has your father ever been recognized in any way or enrolled as a member of the Cheetaw Tribe of Indians by either the Cheetaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not as I knew of. Now father died when I was about ten years old. That boy was about three. We don't know anything only just what our uncles taught us.
- Q When and where were your father and mother married? A They were married in South Carolina.
- Q Whereabouts there? A At Charleston.
- Q Charleston, South Carolina----what year and month? A Well sir, I couldn't tell you.
- Q Married by a minister under a license? A Married of license so my uncle always said.
- Q Have you their marriage license and certificate with you or any proof of their marriage now? A No sir, none at all.
- Q Do you think you could produce evidence of their marriage? A No sir, I couldn't.
- Q Don't you think you could if you could have time to do so? A No sir, I don't know ~~anyone~~ old enough to remember. None of my uncles ain't living and none of my aunts. All we know is by the old original Cheetaws that's settled in Cheetaw and they give us a recommendation that they were acquainted with father and mother.
- Q And knew about their marriage? A No sir, I don't suppose they did.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mary.
- Q Is she a white woman or Indian? A She's a quadroon.
- Q Well, part Indian, you mean? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q No claim for her at all? A No sir.
- Q What is her Indian blood? A Catawba.
- Q Catawba? A Yes sir.
- Q No Cheetaw blood then? A No sir, it's Catawba.
- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A No sir, they are all of age.
- Q You claim for yourself alone, do you? A Well, I claim for two of my boys that are over twenty-one. Though they ought to claim for themselves.
- Q They will have to. They will have to claim for themselves.
- Q Have you had any relatives who have come here to be identified as Mississippi Cheetaws before yourself? A No sir.
- Q Kin folks? A No sir, no kin folks at all. Just me and my brother here is the only ones. We have got kinfolks here that would I reckon if I was to go to them, identify us.
- Q Have they been before the Commission? A No sir, they are natives here.
- Q When and where were you married to your wife----day of the month and year? A Well, it was in '67, in November.
- Q November? A Yes sir.
- Q What day of the month? A Well sir, I don't know. I can't remem-

(3).

- ber that far back.
- Q Married by a minister under a license? A Married with a license by a Squire.
- Q Justice of the peace? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Cheetaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Cheetaw Nation to the Cheetaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Cheetaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Cheetaw Nation by either the Cheetaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application for identification that you have ever made? A Yes sir.
- Q Either to the Cheetaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now claim the right to be identified as a Mississippi Cheetaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I think I do.
- Q You have heard it explained and read, have you? A Yes sir.
- Q How do you think you understand it well enough without any further explanation and reading so as to answer the questions intelligently? A Well, I think I do.
- Q You don't care to have it read again then? A No sir.
- Q Now as you have heard it read and explained and as you understand it do you know if any of your Cheetaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Cheetaw? A It was Ford.
- Q Full name? A It was Ford.
- Q What is the full name---given name? A Let's see---Thomas Ford.
- Q Is that as far back as you can go? A Yes sir.
- Q Thomas Ford---did he live in Mississippi in 1830? A Yes sir.
- Q Was he the head of a family there at that time? A No sir.
- Q How was that? A His father was the head of his family. He was a boy just the same age I am.
- Q Well, what was his father's name? A His father was named Thomas Ford.
- Q Well, Thomas Ford then, who has a son named Thomas Ford? A Yes sir.
- Q He was what kin to you? A He was none at all.
- Q No kin to you? A No.
- Q What are you claiming through him then? A Well, he's the only one that can recommend us.
- Q What? A He's the only man that can recommend us as being Cheetaws. He's no kin to me at all.
- Q Well, I didn't ask you that question. I asked you the name of your ancestor who lived in Mississippi through whom you claim your right to be identified. A Well, I haven't got none. No relations back there at all that could identify me. None at all.
- Q You claim through your father, do you? A Yes sir.
- Q You claim to have one-fourth Cheetaw blood? A Yes sir.
- Q How he claimed through which parent---his father or mother? A His father.

(4).

- Q His father----what was his father's name? A Well sir, I can't tell you.
- Q How much Cheetaw blood did his father have? A He was fullblood Cheetaw.
- Q His father was fullblood? A Yes sir.
- Q Your father was one half? A Yes sir.
- Q And you one-fourth. Now how do you know that your father's father was a fullblood Cheetaw Indian? A Only by the Indians and other neighbors of our family.
- Q Well, did anybody ever tell you so? A Yes sir, the neighbors all told us all the time that our father was a half-breed Cheetaw. That's how come he to come here. They got after us and why don't you go there.
- Q Who got after you? A The old people in Mississippi, in Cheetaw County.
- Q Your father lived in Mississippi then did he? A Yes sir.
- Q And was he born in Mississippi? A No sir, not as I know of.
- Q You are sixty-four years old? A Yes sir.
- Q You were born in Mississippi? A No sir.
- Q Where were you born? A I was born in South Carolina.
- Q Your father was living in South Carolina sixty-four years ago then? A Yes sir,
- Q When did he live there, before or afterwards? A I think he lived there before and went to South Carolina after he married. I went to Mississippi when I was ten years old and we found four of his brothers there.
- Q Your uncle told you that your father went to South Carolina from Mississippi? A Yes sir.
- Q And you know that he came back there? A He came back to Mississippi from South Carolina.
- Q Did any of your ancestors live in Mississippi in 1830? A Yes sir
- Q Who? A My uncle.
- Q No, no, your ancestors. Your uncle isn't an ancestor. Your ancestor is somebody that you are descended from. A Well, It could n't be anyone except my grandfather.
- Q Well now, did your grandfather live in Mississippi? A Yes sir.
- Q What was his name? A Charlie Bowen.
- Q And when did he live in Mississippi? A Well, he must have been there all his life, I reckon.
- Q Was he born in Mississippi? A Born and raised there.
- Q When was he born there? A He must have been born there about 1820, or 1801----about 1801.
- Q About 1801? A Yes sir.
- Q Charlie Bowen, you say? A Yes sir.
- Q That is your ancestor then, isn't it? A Yes sir.
- Q And he was what relation to you? A He was my grandfather.
- Q Your father's father? A Yes sir.
- Q Now then, you think Charlie Bowen was born in Mississippi. How much Cheetaw blood did he have? A He was fullblood. Said to be
- Q Is that the family history and tradition? A Yes sir.
- Q Always been taught that, have you? A Yes sir.
- Q Did he have a Cheetaw name----Indian name, if you know? A No sir I do not know.
- Q Did he speak the Cheetaw language? A I suppose he did.
- Q But do you know? A No, I don't know, because I didn't know him. I never seen him.
- Q Didn't you ever hear in the family whether he did? A No sir.
- Q You can't tell when he was born in Mississippi? A No sir.

(5).

- Q Nor where in the state of Mississippi? A No sir.
- Q Where he died? A No sir.
- Q Or when? A No sir.
- Q But he had a son, your father, whose name was Willard Bowen, you say. Willard was born in North Carolina? A No, he was born in Mississippi and went to South Carolina.
- Q Oh, I see. Went to South Carolina and you were born in South Carolina. Then they went back to Mississippi and your brother here was born in Mississippi? A Yes sir.
- Q Your brother's name is what? A D. W. Bowen.
- Q D. Stand's for what? A David. He has it Dunwood. D. For Weedy. That's what the D. in his name stands for.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830 or before that time? A No sir, not as I know of.
- Q Did any of your ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory between 1833 and 1838 do you know? A No sir, I do not know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward that they intended to stay in Mississippi and take land there? A No sir.
- Q Did any of your Choctaw ancestors ever own or claim any land in Mississippi under article fourteen of that treaty? A No sir.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q In accordance with the provisions of article fourteen of the Treaty of Dancing Rabbit Creek the United States Indian Agent, Colonel Ward, was instructed to make a list of the names of all Indians who came before him within six months after the ratification of the treaty of 1830 and declared to him their intention of remaining in Mississippi, taking land there and becoming citizens of the states. This Indian Agent failed to record the names of but comparatively few of the whole number of names of Indians who came before him under that article of that treaty, and the result of his neglect was that a great many Choctaw Indians who held land in Mississippi upon which they had improvements, had their land taken from them by the Government. This caused so many complaints on the part of the Choctaw Indians that Congress in 1837 by an Act that was approved on the 3rd day of March of that year, appointed a Commission which Commission went to the State of Mississippi and heard Choctaw Indian Claimants under article fourteen and made a list of the names of successful claimants. In 1842 another Commission was appointed by Congress for the same purpose and this Commission heard claimants under that article and made a list of the names of successful claimants under it. Do you know if any of your ancestors, Charlie Bowen or any others of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty? A No sir, I do not.
- Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government he should be entitled to select land either in Mississippi or Alabama, Louisiana or Arkansas, and that he should receive a certificate to that effect, or as it was called then, scrip. Did

(6).

any of your ancestors receive any such scrip from the Government?

A No sir.

Q Have you any documentary evidence that you want to introduce now?

A No sir, not with me.

Q Do you want time in which to introduce such evidence? A Yes sir.

Reasonable time will be allowed this applicant in which to present documentary evidence in support of his application.

Q Do you understand or speak the Choctaw language? A A No sir? I can't speak it, but I can understand the most of it.

Q You can understand it partly can you? A Yes sir.

Q How much do you understand of it? A Well, not a great deal. I can hewdy with them, and talk about their horses with them and such as that in their way of talking.

Q You couldn't carry on a conversation with them I suppose? A No, sir, not a regular conversation.

Q How did you get hold of the language----what you understand?

A Well, the Choctaws there in Choctaw County. I was with them a great deal.

Q Thrown in with them as a white man among Indians? A Yes sir.

The last I remember there was about forty fullblood families there, and they was fullbloods. There was no mixture in them.

Q These Choctaws speak Choctaw most of them, don't they? A Yes sir

Q Don't speak English? A No sir.

Q Is there anything more you want to say about this case? A No sir, not as I know of, unless I would like for Brooks to bring our papers.

Q Brooks is your attorney is he? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from parentage mixed blood, possibly of white and Indian. The Indian is apparent to a certain extent in the color of his eyes and the color of his skin and his general cast of features and expression. It would seem that he had this Choctaw admixture perhaps to the extent to which he testifies although he has no knowledge at all of his ancestors except hewdy and no knowledge of a compliance on their part with the provisions of article fourteen of the treaty of 1830. He does not understand the Choctaw language himself, except a few words he has picked up in his connection and association with the Indians in Mississippi.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 22, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

27.

Subscribed and sworn to before me this 27 day of November, 1901.

Charles Mitchell Wood
Notary Public

RECEIVED
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U.S. DEPT. OF AGRICULTURE
WASHINGTON

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee I.T. November 15, 1901.

In the matter of the application of Dunwood Bowen et al for identification as Mississippi Choctaw M. C. R. 3806.

In the matter of the application of Chesley C. Bowen for identification as a Mississippi Choctaw M. C. R. 3805.

Mary Bowen called as a witness duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary Bowen.
Q What is your age? A Sixty-four.
Q Do you claim any Choctaw blood? A No sir.
Q What is your post-office address? A I just came from Mississippi here.
Q What was your post-office address in Mississippi? A Benton.
Q How long did you live in Mississippi? A All my life.
Q Born and raised in Mississippi? A Yes sir.
Q Do you know Dunwood Bowen and Chesley C. Bowen? A Yes sir.
Q Are they related to you? A Chesley Bowen is my husband and he is my brother in law. (Indicating)
Q Do you know Willit Bowen? A Yes sir.
Q Is he dead? A Yes sir.
Q Is he related to Chesley and Dunwood Bowen? A He is their father
Q Did Willit Bowen claim any Indian blood? A Yes sir.
Q You have seen him in his life time? A Yes sir.
Q What kind of an appearing man was he, did he look like an Indian? A Yes sir.
Q Describe him? A Dark skin, dark eyed, and dark hair.
Q Where did he live during his life time? A In Choctaw County Mississippi.
Q You lived nearby him in Choctaw County Mississippi? A Yes sir.
Q When did Willit Bowen die? A In sixty-one.
Q In Mississippi? A Yes sir, in Choctaw County Mississippi.
Q How old was he when he died? A I don't know just how old he was.
Q How old do you think he was? A Well I don't know.
Q About how old, I don't ask you to say positively? A He was about forty-five or fifty years old.
Q That would make him about eighty-five or ninety years of age if he were living now? A Yes sir.
Q Did you know Willit Bowen's father? A No sir I did not know him.
Q Don't know anything about him? A No sir.
Q How much Choctaw blood did Willit Bowen claim to have? A One-half.
Q Who did he get that Choctaw blood from, do you know, from his father or his mother? A I think from his mother.
Q Do you know his mother's name? A I don't know.
Q Did you ever see her? A No sir not that I knew of.
Q All you know about Willit's Indian blood is what he claimed to have and his personal appearance? A Yes sir.
Q Did Willit Bowen ever own any land in the State of Mississippi? A Yes sir.
Q You know how he got that land? A No sir.
Q You know whether he bought it or not? A No sir.
Q Do you know wheter he got it from the government or not? A No sir I don't know.

- Q You have testified that Willit Bowen died in sixty-one and was about forty five or fifty years of age, that is forty years ago that would make him about eighty-five or ninety years of age if he were living now. Did you ever hear Willit Bowen say in his life time whether he got any land from the government or not?
A No sir I never heard him say.
- Q You never heard him say whether he received any land or any benefits as a Choctaw Indian? A No sir.
- Q And you don't know whether he did receive any benefits as a Choctaw Indian? A No sir.
- Q Was he regarded as an Indian by the people in his neighborhood?
A Yes sir.
- Q Were there many Choctaws living in Choctaw County Mississippi?
A Yes a good many.
- Q Did Willit Bowen ever live anywhere else except in Mississippi?
A No sir.
- Q Did Willit Bowen have any other children besides Charley C. Bowen and Dunwood Bowen? A Yes sir.
- Q What were their names? A I can't recall their names. I can recall some of them, one was named Mary, and one named Frances and one Jim and one Bob and one Bettie.
- Q Is that all that you can recall now? Is Frances a woman or man?
A She is a girl.
- Q Was she married? A No sir.
- Q Never married? A No sir.
- Q Was Mary ever married? A No sir.
- Q Did Bettie ever marry? A No sir.
- Q Are they all living? A I don't know but Frances is dead.
- Q Is his son Jim living? A No he is dead.
- Q Did he leave a family? A Yes sir.
- Q Give me the names of his children? A Charley.
- Q Charley married? A Yes sir.
- Q Has he any children? A Yes sir two.
- Q Do you know their names? A No.
- Q Are they over twenty-one years of age? A No they are small.
- Q Did Frances leave any children? A No sir.
- Q And you don't know anything about Willit Bowen ever getting any land as a Choctaw Indian? A No sir I don't know that.
- Q All you know then is that Willit Bowen was recognized and considered Indian by blood in neighborhood in which he resided?
A Yes sir.
- Q Did you know his wife Betsey E. Bowen? A Yes sir.
- Q Was she white or Indian? A She was a white woman.
- Q Is she living? A No sir.
- Q Do you claim any Indian blood at all? A Yes sir my father was an Indian.
- Q What kind of an Indian was your father? A He was a Catawba and he came here to this Country and was adopted by the Creeks.
- Q Are you a recognized member of the Creek tribe of Indians? A No sir.
- Q Are you enrolled on the Creek rolls? A I don't know whether I am or not, my brothers are enrolled.

Witness excused.

Dunwood Bowen, applicant in H. C. N. 3806 appears and asks to give additional testimony in his application and also to file documentary evidence.

Dunwood Bowen being first duly sworn testified as follows:

Examination by the Commission.

Darwood Bowen, the applicant in the above case submits the following documentary evidence in support of his application.

Affidavit of T. W. Ford, J. Hardin, Mary Bowen and W. Dottery.

Affiants allege in their affidavits that they are personally acquainted with Chesley C. and Darwood W. Bowen and know that they are the sons of Willit Bowen whom they personally knew and who was recognized and considered a Choctaw Indian of one half blood by the neighbors in the vicinity in which he lived.

The affidavit of T. W. Ford was sworn to and subscribed to before F. B. Hood, mayor and ex-officio Justice of the Peace for Webster County, state of Mississippi.

Affidavits of J. Hardin, Mary Bowen and W. L. Dottery are sworn to and subscribed before Scott Hardin, Justice of the Peace and Notary Public for Calhoun County, State of Mississippi.

- Q Do you know these people who make these affidavits all of them?
A Yes sir.
- Q How old is T. W. Ford? A He is about between fifty-five and sixty.
- Q You know how long he was acquainted with your father? A He was acquainted with my father ten or fifteen years before he died.
- Q T. W. Ford was quite a young boy when he knew your father? A Yes sir.
- Q When did your father die? A In Sixty-one.
- Q That is forty years ago? A Yes sir.
- Q And any knowledge he would have in regard to your father's Choctaw Indian blood would have been gained while he was a young boy? A Yes sir.
- Q Do you know J. Hardin? A Yes sir.
- Q How old is he? A About seventy-five.
- Q How long was he acquainted with your father? A A long time.
- Q You don't know how many years? A No.
- Q How did he obtain his knowledge of your father having Choctaw Indian blood? A My father lived on the road to Greenwood and every time my father went to this place he would stop there over night.
- Q Mary Bowen whose affidavit you have offered is that the same Mary Bowen whose oral testimony has been offered here to day?
A Yes sir.
- Q W. L. Dottery how old is he? A He is about sixty-five.
- Q How long did he know your father? A He knew him all his life He lived there in the same neighborhood. He knew him until he died.
- Q Then his knowledge of your father's Indian blood was gained from association entirely? A Yes sir.
- Q Did any of these people ever know your father's father or mother?
A I don't know.
- Q Is Chesley C. Bowen who appeared before this Commission at Atoka Indian Territory, October the 22nd and applied for identification as a Mississippi Choctaw a brother of yours? A Yes sir.
- Q Then you desire that this evidence be made a part of the record in his case also? A Yes sir.
- Q Is there any further statement that you desire to make in support of this claim? A No sir I don't think there is.

G. Rosenzweig being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes

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be inserted in all the proceedings in the above entitled
case in connection with the trial of the said persons in
the said case and the said proceedings and the said persons
in said case on each date of appearance.

W. J. Roscawinkel

Subscribed and sworn to before me this 14th day of December 1931.

W. J. Roscawinkel

Notary Public.

Cm
Civ. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE MISSISSIPPI CHEROKEE.

In the matter of the application of Stanley E. Brown,
et al., for identification as Mississippi Cherokees, consolidating
the applications of

Stanley E. Brown.....X.C.R. 1898
Samuel W. Brown, et al.....X.C.R. 1898.

--- DECISION ---

It appears from the record herein that applications
for identification as Mississippi Cherokees were made to this Commis-
sion, by Stanley E. Brown, for himself; and by Samuel W. Brown for
himself and his six minor children, Annie, Alonzo, Sidney, Mary,
Fannie and Louisa Brown, under the following provision of the act
of Congress approved June 25, 1896, (29 Stats., 430):

"Said Commission shall have authority to determine
the identity of Cherokee Indians claiming rights in the Cher-
okee lands under article fourteen of the treaty between the
United States and the Cherokee Nation, concluded September
twenty-seventh, eighteen hundred and thirty, and to that
end may administer oaths, examine witnesses and perform
all other acts necessary thereto, and make report to the
Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Charlie Bowen, who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in 1830.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).


It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or, attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred, and thirty, and to persons who heretofore were claimants thereunder, that the said Charlie Bowen, or any less remote ancestor of any of the applicants herein, signified, (in person or by proxy), to Colonel Wm. Ward, Indian Agent, Choctaw

(2).

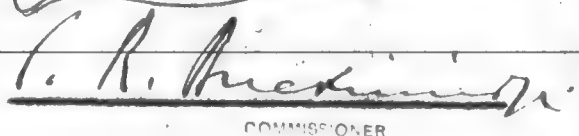
Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 186), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Chesley C. Bowen, Dunwood W. Bowen, Addie Bowen, Alonso Bowen, Sidney Bowen, Henry Bowen, Johnnie Bowen and Levanis Bowen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN



COMMISSIONER

McKagge, Indian Territory.

AUG 28 1902

COPY.

M.C.R. 3805

Muskogee, Indian Territory, August 28, 1902.

Wak Brook,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 26th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Chesley C. Bowen, et al., embracing the following applications for identification as Mississippi Choctaws:

Chesley C. Bowen,
Dunwood W. Bowen, et al.,

M.C.R. 3805
" 3806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Chesley C. Bowen, Dunwood W. Bowen, Addie Bowen, Alonzo Bowen, Sidney Bowen,

Nak Brook-2

Benny Bowen, Johnnie Bowen and Levania Bowen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Kirby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, August 28, 1902.

Chesley C. Bowen,

Mufaula, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Chesley C. Bowen, et al., embracing the following applications for identification as Mississippi Choctaws:

Chesley C. Bowen,	K.C.R. 3805
Dunwood W. Bowen, et al.,	" 3806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Chesley C. Bowen, Dunwood W. Bowen, Addie Bowen, Alenae Bowen, Sidney Bowen, Benny Bowen, Johanie Bowen and Levania Bowen as Choctaw Indians

Chesley C. Bowen-2

entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

CC-11

Muskogee, Indian Territory, August 28, 1902.

G. W. Evans,

Okmulgee, Indian Territory,

Dear Sir:

You are hereby advised that on the 28th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Chesley C. Bowen, et al., embracing the following applications for identification as Mississippi Choctaws:

Chesley C. Bowen, M.C.R. 3808
Dunwood W. Bowen, et al., " 3808

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Chesley C. Bowen, Dunwood W. Bowen, Addie Bowen, Alonzo Bowen, Sidney Bowen, Benny Bowen, Johnnie Bowen, and Lavana Bowen as Choctaw Indians

G. V. Evans:3

entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the report in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James Dixby.

Acting Chairman.

Registered.

M.C.R. 3805,

COPY.

Muskogee, Indian Territory, August 28, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Chesley C. Bowen, et al., embracing the following applications for identification as Mississippi Choctaws:

Chesley C. Bowen,
Dunwood V. Bowen, et al.,

M.C.R. 3805
" 3806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Chesley C. Bowen, Dunwood V. Bowen, Addie Bowen, Alonzo Bowen, Sidney Bowen,

M. M. M. & C-2

Benny Bowen, Johnnie Bowen and Levenia Bowen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.⁶

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Samuel D. Kirby,
Acting Chairman.

COPY.

Muskogee, Indian Territory, August 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Chesley C. Bowen, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 28th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Chesley C. Bowen, M.C.R. 3805
Dunwood W. Bowen, et al., " 3806

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamc Dwyer.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure.

- - - COPY - - -

Lewi.

52986-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, October 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Chesley C. Bowen et al., in which the applicants seek to be identified as Mississippi Choctaws with rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830.

The following cases are consolidated therein:

Chesley C. Bowen.

Dunwood W. Bowen, et al.

On August 28, 1902, the Commission rendered a decision in this case finding that the evidence is insufficient to establish the identity of the applicants as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of said article 14.

An examination of the record evidence shows that these applications claim to be descendants of one Charlie Bowen and

it is averred that said Charlie Bowen is the grandfather of the two principal applicants herein and that he was a full blood Choctaw.

There is nothing in the evidence showing that he ever received a patent for lands by reason of any compliance with the provisions of said article 14 nor is there any office record to the effect that said Charlie Bowen or any person by the name of Bowen ever received a patent for land by reason of any compliance with the provisions of said article.

There is no office record to show that any one by the name of Charlie Bowen ever attempted to comply or did comply with the provisions of said article. The Commission states that these applicants are apparently part Indian but there is no evidence in the record from which it can be concluded that they are such Mississippi Choctaws as are entitled to share in the lands of the Choctaw Nation and as they are not Mississippi Choctaws of the full blood the office considers that the decision of the Commission herein is correct and recommends that the same be affirmed by the Department.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

(W.C.B.)

P.

- - - COPY - - -

D.C. 20447.

DAP.

L.R.S.

DEPARTMENT OF THE INTERIOR.

Washington,

ITD. 6396-1902.

October 27, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 28, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Chesley C. Bowen, and of Danwood W., Addie, Alonzo, Sidney, Benny, Johnnie and Levania Bowen.

The applicants claim rights in Choctaw lands under article XIV of the treaty of September 27, 1830, by reason of being descendants of one Charlie Brown, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Charlie Brown or a less remote ancestor of the applicants complied or attempted to comply with article XIV of said treaty, or with either of the acts of March 3, 1837, (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications August 28, 1902.

- - - 2 - - -

Forwarding the papers October 15, the Commissioner of Indian Affairs recommends your decision approved. A copy of his letter is inclosed.

The Department had thoroughly reviewed the record and hereby affirms your decision.

Respectfully,

E. A. Hitchcock,

Secretary.

G.W.E.

1 Inclosure.

M.C.R. 3808

COPY.

Muskogee, Indian Territory, November 7, 1902.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Chesley C. Bowen, et al., of which decision you were advised by mail on the 28th day of August, 1902.

Respectfully,

Yours truly,

James D. Kirby,
Acting Chairman.

N.C.R. 3808

COPY.

Muskogee, Indian Territory, November 7, 1902.

G. W. Evans,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Chesley C. Bowen, et al., of which decision you were advised by registered mail on the 28th day of August, 1902.

Respectfully,

(SIGNED).

Samuel D. Smith
Acting Chairman.

H.C.R. 3008

COPY.

Muskogee, Indian Territory, November 7, 1902.

Edw Brock,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Chesley C. Bowen, et al., of which decision you were advised by registered mail on the 26th day of August, 1902.

Respectfully,

(SIGNED).

John G. Smith
Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. DRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

N.C.R. 3805

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 7, 1902.

Chesley C. Bowen,

Bufala, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Chesley C. Bowen, et al., of which decision you were advised by registered mail on the 28th day of August, 1902.

Respectfully,



Acting Chairman.

Muskogee, Indian Territory, July 2, 1906.

The Honorable

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Chelsey C. Bowen, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of August 28, 1902, adverse to the applicants, was on the same date forwarded to the Department.

October 27, 1902 (I T D 6396-1902), the Secretary of the Interior affirmed the decision of said Commission, refusing to identify as Mississippi Choctaws the several persons included in said consolidated case.

June 25, 1906 this office received from J. O. Pool, attorney, a petition signed by Dunwood W. Bowen, one of the parties applicant in said consolidated case, praying that the same be reopened and that the several persons therein included be enrolled as citizens of the Choctaw Nation.

The petition is herewith transmitted.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

STW 3/7

MUR 3805-3806

Muskogee, Indian Territory, July 2, 1906.

J. O. Pool, Attorney at Law,
Waco, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter without date from South McAlester, Indian Territory, transmitting petition in the matter of the applications of Dunwood W. Bowen, et al., one of the parties applicant in the consolidated Mississippi Choctaw case of Chelsey C. Bowen, et al., praying for the readjudication of said case.

The petition has this day been forwarded to the Department for its consideration.

Respectfully,

Commissioner.

✓

D.C.48757-1906.

J.C.H.

LLE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.20576-1906.

November 3, 1906.

L R S

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered the motion for reopening and readjudication of the consolidated case of Chesley C. Bowen et al. for identification as Mississippi Choctaws, transmitted with your letter of July 2, 1906, and Indian Office letter of October 11, 1906 (Land 56221).

October 27, 1902, the Department affirmed the decision of the Commission to the Five Civilized Tribes, adverse to all the applicants in said consolidated case.

It is admitted in the motion that the claimants are not full-blood Choctaws, and it is not alleged nor claimed that the applicants or any of their ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830. However, the contention is obscurely made that the Choctaw-Chickasaw agreement approved July 1, 1902, is not binding on the applicants because they were not parties to it. This is not now considered an open question. Further,

it is not alleged nor proved that any of the applicants or their ancestors were ever enrolled or admitted to citizenship by any legally constituted authority in the Choctaw Nation or by the United States authorities.

In view of these facts, the motion is denied.

A copy of the Indian Office letter is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 4 to Ind. Of.

Land
68196-1902
64221-1904.

(8 8 7 7)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of October 27, 1902, (I.T.D. 6396-1902), I have the honor to transmit herewith a petition signed by Dunwood W. Bowen, one of the parties applicant in the consolidated Mississippi Choctaw case of Chelasy C. Bowen, et al., praying that the case may be reopened, and that the several persons therein included be enrolled as citizens of the Choctaw Nation. There is also inclosed the record in the case.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

ENC-125

MCR 3805

COPY

Muskogee, Indian Territory, November 16, 1906.

J. O. Pool,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir :--

There is enclosed herewith copy of Departmental letter of November 3, 1906, denying the motion filed by you in this office on June 25, 1906, for re-opening and re-adjudication of the consolidated Mississippi Choctaw case of Chesley C. Bowen, et al.

Respectfully,

SIGNED *Wams Rixby.*
Commissioner.

JWH 16-3

MCR 3805

COPY

Muskogee, Indian Territory, November 16, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 3, 1906, denied the motion filed in this office June 25, 1906, by J. O. Pool, Attorney, for re-hearing and re-adjudication of the consolidated Mississippi Choctaw case of Chesley C. Bowen, et al.

This case includes the following persons:

Chesley C. Bowen
Dunwood W. Bowen
Addie Bowen
Alonso Bowen

Sidney Bowen
Benny Bowen
Johnnie Bowen
Levania Bowen

It does not appear that there are any proceedings now pending in the above consolidated case.

Respectfully,

SIGNED *Wams Birby*
Commissioner.

MCR 3805

COPY

Muskogee, Indian Territory, November 16, 1906.

Chesley Bowen,

o/o J. O. Pool,

South McAlester, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 3, 1906, denied the motion filed in this office June 25, 1906, by J. O. Pool, Attorney, for re-hearing and re-adjudication of the consolidated Mississippi Choctaw case of Chesley C. Bowen, et al.

Respectfully,

SIGNED *Cams R.*
Commissioner.

MCR 3808

COPY

Muskogee, Indian Territory, November 16, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen :--

There is enclosed herewith copy of Departmental letter of November 3, 1906, denying the motion filed by J. O. Pool, Attorney, South McAlester, Indian Territory, for re-opening and re-adjudication of the consolidated Mississippi Choctaw case of Chesley C. Bowen, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

JWH 18-4

Charlie Bowen full
- dead

Willard Bowen $(\frac{1}{2})$
(or Willit Bowen) ^{dead}
(1850-90)

Wife

Betsy Elizabeth Bowen
(or Elizabeth Bowen)

mCR
3805

Phesley C. Bowen 64- $\frac{1}{4}$

Wife

Mary Bowen
(w. + Catawba)

mCR
3805

Dunwood Bowen 45- $\frac{1}{4}$

married

Jane Gordon w.
dead

Frances Bowen (dead?)

Mary Bowen

Jim Bowen

Bob Bowen

Bettie Bowen

mCR
3806

Addie Bowen 20

Alonzo Bowen 19

Sidney Bowen 17

*Benny Bowen 14

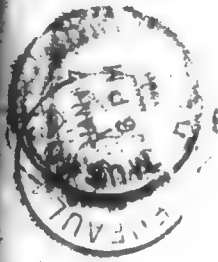
Johnny Bowen 12

Levania Bowen 10

* - deep hair

3805

File



COMMISSION TO THE UNITED STATES.

FILED

JAN 20 1903

ACTING CHAIRMAN

RECEIVED
NOV 8 1898

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Chesley C. Bowen,

Eufaula, Indian Territory.

3805

1002

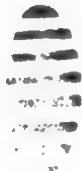
Muskego, Ind. Ter.,
OCT 4 1905
Houston T. Estes, P.M.

3805

Muskogee, Ind. Terr.

601 10

Houston T. & T. Co.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

1782

Chas. C. Bowen

Enfanta

J. J.

N.C.R. 3803

COPY.

Muskogee, Indian Territory, November 7, 1902.

Chesley G. Bowen,

Bufala, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Chesley G. Bowen, et al., of which decision you were advised by registered mail on the 28th day of August, 1902.

Respectfully,

(S. L. D.)

Tams Dixby.
Acting Chairman.

No. 3805

For Identification as a Mississippi Choctaw.

Date OCT 22 1901

Name Chesley C. Bowen,

Age 64 - Blood $\frac{1}{4}$

Post Office, Eufala, I. T.

Father: Willard Bowen, S.

Mother: Betty E. " S.

Claims through father -
wife, Mary — w^x Ind.

No claim for wife -

~~Reason:~~

Claims for self
alone,

Stenographer

Hal Belford,

Choctaw MCR 3806

Dunwood W. Bowen

See MCR 3805

MCR 3806

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 22, 1901.

#3804.

In the matter of the application of Dunwood W. Bowen for the identification of himself and his six minor children, Addie, Alonzo, Sidney, Bessy, Johnnie and Levanie Bowen, as Mississippi Choctaws.

Ask Brock, Attorney for applicant. No appearance.

Dunwood W. Bowen, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your full name? A Dunwood W. Bowen.
Q D-u-n-w-o-o-d, is that right---Dunwood? A Yes sir.
Q What is your age? A Forty-five, the 10th of last March.
Q What is your post office address? A Eufaula.
Q How long have you lived in Eufaula? A I came there just before Christmas.
Q Where did you live before you lived in Eufaula? A Well sir, I come from Wetumka, about nine miles, where I first stepped when I came to this Territory.
Q Nine miles from Eufaula? A Yes sir.
Q Now when did you get to Wetumka? A I got there this last August was a year ago.
Q Where did you come from? A Come from Mississippi.
Q Always lived in Mississippi before that? A How.
Q Always lived in Mississippi before that. A Yes sir, I was born and raised in the Choctaw Nation.
Q Mississippi? A Mississippi, yes sir.
Q And lived there all your life until you went to Wetumka? A Yes sir.
Q What was your father's name? A Willard Bowen.
Q Is he dead? A Yes sir.
Q What was your mother's name? A Elisabeth.
Q Well, Betsy M., was it? A Yes, Betsy is the way you have got it.

(2).

- Q Betsey E.----that is the way your brother gave it? A Yes sir.
Q Is she dead? A Yes sir.
Q Through which parent do you claim Choctaw blood? A From my father's side.
Q How much do you claim? A My father was a half-breed.
Q You claim a quarter? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities? A I don't know whether he has or not.
Q Do you know when your father and mother were married? A No sir, I do not.
Q Know anything about their marriage? A No sir.

Reasonable time will be allowed this applicant to introduce testimony or other proof of the marriage of his father and mother.

- A My father died when I was a little fellow.
Q Are you married? A Yes sir.
Q What is your wife's name? A Her name was Jane.
Q Is she dead? A Yes sir.
Q And you have no wife now? A Yes sir.
Q Have you children by Jane? A Yes sir.
Q Did she have any Choctaw blood? A No sir.
Q White woman then? A Yes sir.
Q Now give me the names of your children for whom you wish to make application who are under twenty-one and unmarried. Give me the oldest one. A Addie Bowen.
Q And she is how old? A She's going on twenty-one.
Q She is not twenty-one is she? A No sir, she's twenty.
Q Next? A Alonzo Bowen.
Q Alonzo? A Yes.
Q How old is Alonzo? A He's going on nineteen.
Q Next? A Sidney.
Q What? A Sidney.
Q S-i or S-y? A S-i.
Q How old is Sidney? A Seventeen.
Q Next? A Benny.
Q Boy? A Benny Bowen.
Q He is a boy is he? A Yes sir.
Q How old is Benny? A Well, he's going on fourteen.
Q Next? A Johnnie.
Q Boy? A Yes sir.
Q How old? A He's going on twelve.
Q Next? A Levania.
Q She's a girl? A Yes sir.
Q How do you spell that----L-e-v-a-n-i-a? A Yes sir.
Q How old is she? A She's going on ten.
Q You claim for yourself and these children do you? A Yes sir.
Q When and where were you married to your wife Jane? A Married her in Mississippi, I can't exactly tell you the day of the month. I can tell you the month but not exactly the day.

(3).

- Q What month was it? A It was April.
Q What year? A Well sir, I don't hardly know.
Q 1880 or 1875 or when? A Yes, it was about 1875. Somewhere along there.
Q Have you your marriage license and certificate with you? A Sir?
Q Have you your marriage license and certificate with you? A No sir, I haven't got it with me.

Reasonable time will be allowed this applicant in which to introduce proof of his marriage between himself and his wife Jane.

- Q What was her maiden name? A Jane Gordon.
Q Jane Gordon? A Yes sir.
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities in the Indian Territory? A No sir.
Q Have you ever made application for yourself and children for admission as citizens in the Choctaw Nation to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1893? A No sir.
Q Have you ever been admitted with any of your children as members of the Choctaw Tribe of Indians into that Tribe, by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Is this the first application that you have ever made of any description either to the Choctaw Tribal Authorities or the United States Authorities for citizenship? A Yes sir. If I was back there and had what I give away I never would come here.
Q You now come before the Commission to be identified as a Mississippi Choctaw do you, under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I don't exactly understand it.
Q Well, you knew what a treaty is don't you? A Yes sir.
Q It is an agreement between Nations. There was such an agreement made between the Choctaw Indians and the United States Government when the Choctaws lived in that old Choctaw Nation in Mississippi and Alabama. The object of that treaty was the removal of all of the Choctaw Indians who lived in Mississippi and Alabama from that old Choctaw Nation to the new Choctaw Nation Indian Territory but before the treaty was signed it became apparent that a good many Choctaw Indians wouldn't go to this new Choctaw Nation Indian Territory, and so in order to protect their interests article fourteen was put into the treaty. Now article fourteen of the treaty of 1830 reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signi-

(4).

ifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article of that treaty? A Yes sir.
- Q Now as it has been read and explained to you and as you understand it, do you know if any of your ancestors complied or attempted to comply with any of these provisions contained in article fourteen? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I don't know.
- Q Well, you claim through Charlie Bowen, do you? A Yes, that's what my brother says.
- Q Well, do you know anything about it? A No sir, I don't know anything about my grandfather or my father. I was only an infant when he died and I don't remember of ever seeing my father, let alone my grandfather.
- Q Well, haven't you heard anything about it in the family? A Yes sir, I have heard it. My mother told me that my grandfather was a full blood Indian.
- Q And Charlie Bowen was his name? A Yes sir.
- Q You get that from your mother and your brother? A Yes sir.
- Q His name is what? A Chesley.
- Q He has just made application for identification as a Mississippi Choctaw has he just before you? A Yes sir.
- Q You claim through which parent----father? A Father, yes sir.
- Q His name is what? A Willard Bowen.
- Q You claim one-fourth. How much Choctaw blood did he have? A Half.
- Q You heard that in the family have you, as a matter of family history and tradition? A Yes, my mother told me so.
- Q When did he die, do you know? A He died about the time along when I was three years old.
- Q He lived in Mississippi did he? A Yes sir, in the Choctaw Nation----was buried there.
- Q And he was born in Mississippi? A I don't know where he was born at.
- Q Did his father, Charlie Bowen live in Mississippi? A I don't know.
- Q Well, have you heard so in the family? A I never heard him say much about it.
- Q Well, didn't you ever hear anybody say that he lived in Mississip-

(A).

- pi in 1830? A I have heard my brother say so.
- Q You have no proof except what you have heard him say, then? A No sir.
- Q Was he a full blood Choctaw Indian? A That's what they tell me.
- Q Did he speak the Choctaw Language? A I don't know whether he did or not.
- Q Did he have a Choctaw name? A I don't know whether he did or not.
- Q You don't know whether he was born in Mississippi or not? A No sir.
- Q Or when? A No sir.
- Q Do you know when and where he died? A Yes sir, I have been to the grave after I grew up, and I lived there. Now when I got up a boy my mother tore up and went just over into the Chickasaw it's Calhoun County now, but we moved out of Choctaw over into the Chickasaw, but I have been to where my father was buried many a time.
- Q And where was that? A In the Choctaw Nation back in Mississippi.
- Q In Mississippi? A Yes sir.
- Q Did he own, or any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A No, not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, between 1835 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi and take land there? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did they own or claim any land under any other article of the treaty of 1830 than article fourteen, or under the supplement of that treaty? A No sir.
- Q According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek the United States Government instructed the United States Indian Agent Colonel Ward, who lived in Mississippi at that time to make a list of the names of all Choctaw Indian Claimants who came before him, the said Colonel Ward, within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there in that state. This United States Indian Agent for some reason neglected to record upon his list the names of a great majority of the Indians who claimed benefits under article fourteen and as a result of his neglect a great many Indians who held land in Mississippi and upon which they had improvements had that land and improvements taken from them by the Government and sold, which caused so much distress among the Indians and so many complaints that Congress, by an Act approved March 3, 1837, appointed a Commission. This Commission went to the State of Mississippi and heard all Choctaw Indian claimants who came before it claiming benefits under article fourteen of that treaty and made a list of the names of all successful claimants. In 1842 another Commission was appointed by Congress for the same purpose and they heard all Choctaw claimants under article fourteen of that treaty and made a list of the names of successful claimants. Do you know whether any of your Choctaw ancestors appeared either before the Commission of 1837 or the Commission of 1842 and proved or claimed their rights under article fourteen? A No sir, I don't.
- Q The Act of Congress approved August 23, 1842 provided that in case

(6).

It should be finally determined that a Cheetaw had complied with all the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the state of Mississippi, or Louisiana, Alabama or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your ancestors ever receive any scrip from the Government of the United States under this Act of Congress? A Not that I know of.

- Q Have you any documentary evidence you want to introduce now? A No sir, not now.
- Q Would you like time in which to present documentary evidence in your case or any other proper evidence? A Do which?
- Q Would you like time in which to present documentary evidence in your case or any other proper evidence? A Yes sir.

Reasonable time will be allowed this applicant in which to file documentary or other proper proof in support of the application he makes here for identification as a Mississippi Cheetaw.

- Q Do you speak Cheetaw or understand the Cheetaw language? A No sir.
- Q Is there anything more you would like to say in support of your claim? A Sir?
- Q Is there anything more you would like to say in support of your claim? A No sir.
- Q You want to have your brother's testimony referred to here and made a part of yours, Chesley C. Bowen? A Yes sir. Now there's a little, I don't know whether it's necessary or not. My father that man Bill Gentry, when he started to the Territory here he staid all night at my father's house when he started here and if my father could have got ready he would have come with him but he couldn't get ready and he died shortly after that.
- Q When did Bill Gentry come here? A Came in '56.

This applicant has the appearance and physical characteristics of being descended from parentage of mixed blood composed of white and Indian. He has strongly marked Indian characteristics as shown by the color of his hair eyes and complexion and general cast of features. He has in the opinion of the Commission at least one-fourth Cheetaw blood. He does not understand the Cheetaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

(v).

Hal Belford, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 22, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 27 day of November, 1901.

Charles M. [illegible]
Notary Public

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee I.T. November 15, 1901.

In the matter of the application of Dunwood Bowen et al for identification as Mississippi Choctaws M. C. R. 3806.

In the matter of the application of Chesley C. Bowen for identification as a Mississippi Choctaw M. C. R. 3806.

Mary Bowen called as a witness duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary Bowen.
Q What is your age? A Sixty-four.
Q Do you claim any Choctaw blood? A No sir.
Q What is your post-office address? A I just came from Mississippi here.
Q What was your post-office address in Mississippi? A Benton.
Q How long did you live in Mississippi? A All my life.
Q Born and raised in Mississippi? A Yes sir.
Q Do you know Dunwood Bowen and Chesley C. Bowen? A Yes sir.
Q Are they related to you? A Chesley Bowen is my husband and he is my brother in law. (Indicating)
Q Do you know Willit Bowen? A Yes sir.
Q Is he dead? A Yes sir.
Q Is he related to Chesley and Dunwood Bowen? A He is their father
Q Did Willit Bowen claim any Indian blood? A Yes sir.
Q You have seen him in his life time? A Yes sir.
Q What kind of an appearing man was he, did he look like an Indian? A Yes sir.
Q Describe him? A Dark skin, dark eyed, and dark hair.
Q Where did he live during his life time? A In Choctaw County Mississippi.
Q You lived nearby him in Choctaw County Mississippi? A Yes sir.
Q When did Willit Bowen die? A In sixty-one.
Q In Mississippi? A Yes sir, in Choctaw County Mississippi.
Q How old was he when he died? A I don't know just how old he was.
Q How old do you think he was? A Well I don't know.
Q About how old, I don't ask you to say positively? A He was about forty-five or fifty years old.
Q That would make him about eighty-five or ninety years of age if he were living now? A Yes sir.
Q Did you know Willit Bowen's father? A No sir I did not know him.
Q Don't know anything about him? A No sir.
Q How much Choctaw blood did Willit Bowen claim to have? A One-half.
Q Who did he get that Choctaw blood from, do you know, from his father or his mother? A I think from his mother.
Q Do you know his mother's name? A I don't know.
Q Did you ever see her? A No sir not that I knew of.
Q All you knew about Willit's Indian blood is what he claimed to have and his personal appearance? A Yes sir.
Q Did Willit Bowen ever own any land in the State of Mississippi? A Yes sir.
Q You know how he got that land? A No sir.
Q You know whether he bought it or not? A No sir.
Q Do you know whether he got it from the government or not? A No sir I don't know.

- Q You have testified that Willit Bowen died in sixty-one and was about forty five or fifty years of age, that is forty years ago that would make him about eighty-five or ninety years of age if he were living now. Did you ever hear Willit Bowen say in his life time whether he got any land from the government or not?
- A No sir I never heard him say.
- Q You never heard him say whether he received any land or any benefits as a Choctaw Indian? A No sir.
- Q And you don't know whether he did receive any benefits as a Choctaw Indian? A No sir.
- Q Was he regarded as an Indian by the people in his neighborhood?
- A Yes sir.
- Q Were there many Choctaws living in Choctaw County Mississippi?
- A Yes a good many.
- Q Did Willit Bowen ever live anywhere else except in Mississippi?
- A No sir.
- Q Did Willit Bowen have any other children besides Chesley C. Bowen and Danwood Bowen? A Yes sir.
- Q What were their names? A I can't recall their names. I can recall some of them, one was named Mary, and one named Frances and one Jim and one Bob and one Bettie.
- Q Is that all that you can recall now? Is Frances a woman or man?
- A She is a girl.
- Q Was she married? A No sir.
- Q Never married? A No sir.
- Q Was Mary ever married? A No sir.
- Q Did Bettie ever marry? A No sir.
- Q Are they all living? A I don't know but Frances is dead.
- Q Is his son Jim living? A No he is dead.
- Q Did he leave a family? A Yes sir.
- Q Give me the names of his children? A Charley.
- Q Charley married? A Yes sir.
- Q Has he any children? A Yes sir two.
- Q Do you know their names? A No.
- Q Are they over twenty-one years of age? A No they are small.
- Q Did Frances have any children? A No sir.
- Q And you don't know anything about Willit Bowen ever getting any land as a Choctaw Indian? A No sir I don't know that.
- Q All you know then is that Willit Bowen was recognized and considered Indian by blood in neighborhood in which he resided?
- A Yes sir.
- Q Did you know his wife Betsey E. Bowen? A Yes sir.
- Q Was she white or Indian? A She was a white woman.
- Q Is she living? A No sir.
- Q Do you claim any Indian blood at all? A Yes sir my father was an Indian.
- Q What kind of an Indian was your father? A He was a Catawba and he came here to this Country and was adopted by the Creeks.
- Q Are you a recognized member of the Creek tribe of Indians? A No sir.
- Q Are you enrolled on the Creek rolls? A I don't know whether I am or not, my brothers are enrolled.

Witness excused.

Danwood Bowen, applicant in E. C. R. 3806 appears and asks to give additional testimony in his application and also to file documentary evidence.

Danwood Bowen being first duly sworn testified as follows:

Examination by the Commission.

Dunwood Bowen, the applicant in the above case submits the following documentary evidence in support of his application.

Affidavit of T. W. Ford, J. Hardin, Mary Bowen and W. Dettery.

Affiants allege in their affidavits that they are personally acquainted with Chesley C. and Dunwood W. Bowen and knew that they are the sons of Willit Bowen whom they personally knew and who was recognized and considered a Choctaw Indian of one half blood by the neighbors in the vicinity in which he lived.

The affidavit of T. W. Ford was sworn to and subscribed to before F. E. Hood, mayor and ex-officio Justice of the Peace for Webster County, state of Mississippi.

Affidavits of J. Hardin, Mary Bowen and W. L. Dettery are sworn to and subscribed before Scott Hardin, Justice of the Peace and Notary Public for Calhoun County, State of Mississippi.

- Q Do you know these people who make these affidavits all of them?
A Yes sir.
- Q How old is T. W. Ford? A He is about between fifty-five and sixty.
- Q You know how long he was acquainted with your father? A He was acquainted with my father ten or fifteen years before he died.
- Q T. W. Ford was quite a young boy when he knew your father? A Yes sir.
- Q When did your father die? A In Sixty-one.
- Q That is forty years ago? A Yessir.
- Q And any knowledge he would have in regard to your father's Choctaw Indian blood would have been gained while he was a young boy? A Yes sir.
- Q Do you know J. Hardin? A Yes sir.
- Q How old is he? A About seventy-five.
- Q How long was he acquainted with your father? A A long time.
- Q You don't know how many years? A No.
- Q How did he obtain his knowledge of your father having Choctaw Indian blood? A My father lived on the road to Greenwood and every time my father went to this place he would stop there ever night.
- Q Mary Bowen whose affidavit you have offered is that the same Mary Bowen whose oral testimony has been offered here to day?
A Yes sir.
- Q W. L. Dettery how old is he? A He is about sixty-five.
- Q How long did he know your father? A He knew him all his life He lived there in the same neighborhood. He knew him until he died.
- Q Then his knowledge of your father's Indian blood was gained from association entirely? A Yes sir.
- Q Did any of these people ever know your father's father or mother?
A I don't know.
- Q Is Chesley C. Bowen who appeared before this Commission at Ateka Indian Territory, October the 22nd and applied for identification as a Mississippi Choctaw a brother of yours? A Yes sir.
- Q Then you desire that this evidence be made a part of the record in his case also? A Yes sir.
- Q Is there any further statement that you desire to make in support of this claim? A No sir I don't think there is.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes

74
he reported in full all the proceedings had in the above entitled
cause on November 15th 1901, and that the above and foregoing is
a full, true and correct transcript of his stenographic notes
in said cause on said date of November 1901.

S. Rosenwink

Subscribed and sworn to before me this 14th day of December 1901.

Chas. Mitchell Wood

Notary Public.

Muskogee, Indian Territory, December 6, 1901.

D. W. Bowen,

Scipio, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 2 in which you state that your present post office address is Scipio, Indian Territory. This change has been made a matter of record.

No decision has yet been reached or opinion rendered in regard to your application. When such a decision is reached, you will be fully advised as to any action taken by the Commission.

Yours truly,

Commissioner in Charge.

MC 3806

Miss. Chas. 3000

Muskogee, Indian Territory, July 28, 1902.

D. W. Bowen,

Scipio, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, in which you state that you have not heard from the Commission for over six months and do not know whether to go to improving the place or not and that you are tired of renting land.

In reply you are informed that the records of the Commission do not show that any person by the name of D. W. Bowen has made application to the Commission for identification as a Mississippi Choctaw. The records of the Commission do show however, that Durood Bowen, forty-five years of age, postoffice address Bufala, Indian Territory, made personal appearance before the Commission on October 22, 1901, and applied for the identification of himself and his minor children, Addie, Alouse, Sidney, Bernie, Johnnie and Levinia Bowen, as Mississippi Choctaws.

If you are the identical Durood Bowen who made this application, you are informed that no decision has yet been reached nor opinion rendered relative to the right of these persons to identification as Mississippi Choctaws. When a decision is rendered the applicants will be notified of the action of the Commission.

D. W. Bowen--2

Relative to that part of your letter in which you ask whether to go to improving a place, or not; that you are tired of renting land; your attention is invited to the following provision of the act of Congress of May 31, 1830:

"Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed that the benefits of this legislation would accrue to applicants until after they have been identified by this Commission as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830. Article fourteen was read in full and explained to Dunwood Bowen at the time of the making of his application.

Yours truly,

Commissioner in charge,

M C R 3306.

Winkegoe, Indian Territory, August 8, 1908.

Dunwood Bowen,

Scipio, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st inst., advising change in your post office address to Scipio, Indian Territory, which has been made a matter of record.

Yours truly,

Acting Chairman.

M.C.R. 3806.

COPY.

Muskogee, Indian Territory, August 28, 1902.

Dunwood W. Bowen,

~~Butala~~, Indian Territory.

*Remailed Scipio. I. J.
Oct. 15. 92.*

Dear Sir:

You are hereby advised that on the 28th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Chesley C. Bowen, et al., embracing the following applications for identification as Mississippi Choctaws:

Chesley C. Bowen,
Dunwood W. Bowen, et al.,

M.C.R. 3805
" 3806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Chesley C. Bowen, Dunwood W. Bowen, Addie Bowen, Alonso Bowen, Sidney Bowen,

Dunwood W. Bowen-2

Benny Bowen, Johnnie Bowen and Levanie Bowen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

James Dixby.

Acting Chairman.

Registered.

M.O.R. 3806

COPY.

Muskogee, Indian Territory, November 7, 1902.

Dunwood W. Bowen,

Mufala, Indian Territory.

Remailed Scipio. I. T. Jan. 20. 1902

Dear Sir:

You are hereby advised that on the 27th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Chesley C. Bowen, et al., of which decision you were advised by registered mail on the 28th day of August, 1902.

Respectfully,

Acting Chairman.

M.C.R. 3806.

Muskogee, Indian Territory, November 29, 1902.

Dunwood W. Bowen,

Scipio, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

You ask to be informed wherein the evidence furnished in support of your claim was insufficient?

The Commission can give you no further information regarding your claim other than to say that on October 27, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application and on November 7, 1902, you were duly notified of such departmental action.

The Commission considers this case closed.

Respectfully,

Acting Chairman.

M.C.R. 3896.

Muskogee, Indian Territory, December 11, 1902.

Danwood W. Bowen,

Scipio, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., in which you state that the letter of the Commission, dated November 7, 1902, notifying you of the approval by the Secretary of the Interior of the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was not received by you.

In reply, you are informed that it appears that the letter referred to was addressed to you at Eufaula, Indian Territory, instead of your present post office address, Scipio, Indian Territory. A copy of said letter is herewith enclosed you.

Respectfully,

Acting Chairman.

Enc B I 199.

MUR 3803-3806

Muskogee, Indian Territory, July 2, 1906.

J. O. Pool, Attorney at Law,
Wescona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter without date from South McAlester, Indian Territory, transmitting petition in the matter of the applications of Dunwood W. Bowen, et al., one of the parties applicant in the consolidated Mississippi Choctaw case of Chalsey C. Bowen, et al., praying for the readjudication of said case.

The petition has this day been forwarded to the Department for its consideration.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 2, 1906.

The Honorable

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Chelsey C. Bowen, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of August 28, 1902, adverse to the applicants, was on the same date forwarded to the Department.

October 27, 1902 (I T D 6396-1902), the Secretary of the Interior affirmed the decision of said Commission, refusing to identify as Mississippi Choctaws the several persons included in said consolidated case.

June 25, 1906 this office received from J. O. Pool, attorney, a petition signed by Dunwood W. Bowen, one of the parties applicant in said consolidated case, praying that the same be reopened and that the several persons therein included be enrolled as citizens of the Choctaw Nation.

The petition is herewith transmitted.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

STV 3/7

D.C.48737-1906.

J.C.H.

LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.20576-1906.

November 3, 1906.

L R S

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered the motion for reopening and readjudication of the consolidated case of Chesley C. Bowen et al. for identification as Mississippi Choctaws, transmitted with your letter of July 2, 1906, and Indian Office letter of October 11, 1906 (Land 56221).

October 27, 1902, the Department affirmed the decision of the Commission to the Five Civilized Tribes, adverse to all the applicants in said consolidated case.

It is admitted in the motion that the claimants are not full-blood Choctaws, and it is not alleged nor claimed that the applicants or any of their ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830. However, the contention is obscurely made that the Choctaw-Chickasaw agreement approved July 1, 1902, is not binding on the applicants because they were not parties to it. This is not now considered an open question. Further,

it is not alleged nor proved that any of the applicants or their ancestors were ever enrolled or admitted to citizenship by any legally constituted authority in the Choctaw Nation or by the United States authorities.

In view of these facts, the motion is denied.

A copy of the Indian Office letter is inclosed.

The papers in the case have been sent to the Indian Office for its file.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs.

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64196-1902
64221-1906.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of October 27, 1902, (I.T.D. 6326-1902), I have the honor to transmit herewith a petition signed by Dunwood W. Bowen, one of the parties applicant in the consolidated Mississippi Choctaw case of Chelsey G. Bowen, et al., praying that the case may be reopened, and that the several persons therein included be enrolled as citizens of the Choctaw Nation. There is also inclosed the record in the case.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

KIM-KIM

MCR 3806

COPY

Muskogee, Indian Territory, November 16, 1906.

Dunwood W. Bowen,

c/o J. O. Pool, Attorney at Law,

South McAlester, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 3, 1906, denied the motion filed in this office June 25, 1906, by J. O. Pool, Attorney, for re-hearing and re-adjudication of the consolidated Mississippi Choctaw case of Chesley C. Bowen, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

Copy

Dunwood Bowen, et. al,

VS.

The Choctaw Nation.

Motion and petition to reopen,
reconsider and readjudicate,
said case, under the decisions of
the Attorney General, recently
rendered, in various cases, and
especially the case of Scott S.
Dumas, and James S. Joseph,
Forbis, and Lula F. Long, case
and the laws of 1906.

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes.

FILED

JUN 25 1906

Commissioner.

Office copy for Commissioner.

BIXBY.

John W. Bowen, :
VS. :
The Chectaw Nation :

To the Honorable Secretary of the Interior, and
To the Commissioner to the Five Civilized Tribes.

In the matter of the consolidated case, of John W. Bowen and
his children.

Comes now the following named applicants, and prays your
Honor, that their case may be reopened, revised, and reconsidered,
and readjudicated, under the recent decisions of the Attorney General,
and the laws of Congress of 1906, as follows:

John W. Bowen, Bennie Bowen, John Bowen, Luvena Bowen, Tommy
Lee Bowen, Maudie Bowen, Lera Bowen, Nea May Bowen, Ida A. Beard, Nee
Bowen, Ollina Beard, Nee Bowen, Lula Beard, Lessie Beard, Ada May
Cummins, Nee Bowen, Ella Cummins, John Cummins, Sidney Bowen, ^{Sarah E. Bowen} Lenze
Bowen, and prays the Honorable Secretary of the Interior, for his
supervisory authority, to the end, that their case may be reopened,
revised, and readjudicated, and that they may be enrolled, upon the
legal rolls of the Chectaw Nation, Indian Territory, for the following
reasons, to-wit:

That they are natural born Mississippi Chectaw Indians,
born and raised in the Chectaw Nation, Mississippi, of Indian parentage.
That Willard Bowen, a half breed Chectaw Indian, married Elizabeth
Carter, in the Chectaw Nation, Mississippi, and they lived and died,
Indians, in Mississippi, and this applicant, J.W. Bowen, is the son
of said Willard Bowen, and his wife.

That applicants applied to the Commission to the Five Civilized
Tribes, for information as to what to do, while he lived in the Chectaw
Nation, Mississippi. That, Mr. Tama Bixbt, one of the members of the
said Commission to the Five Civilized Tribes, instructed this petitioner
to move to the Chectaw Nation, Indian Territory, and so reside there,
and after remaining in said Chectaw Nation, Indian Territory, for thirty

John W. Bowen, :
Vs. :
The Chectaw Nation :

To the Honorable Secretary of the Interior, and
To the Commissioner to the Five Civilized Tribes.

In the matter of the consolidated case, of John W. Bowen and
his children.

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and the laws of Congress of 1906, as follows:

John W. Bowen, Bennie Bowen, John Bowen, Luvema Bowen, Tommy
Lee Bowen, Maude Bowen, Lora Bowen, Nee May Bowen, Ida A. Beard, Nee
Bowen, Ollina Beard, Nee Bowen, Lula Beard, Lessie Beard, Ada May
Cummings, Nee Bowen, Ella Cummings, John Cummings, Sidney Bowen, ^{Sarah E. Bowen} Lense
Bowen, and prays the Honorable Secretary of the Interior, for his
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revised, and readjudicated, and that they may be enrolled, upon the
legal rolls of the Chectaw Nation, Indian Territory, for the following
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That they are natural born Mississippi Chectaw Indians,
born and raised in the Chectaw Nation, Mississippi, of Indian parentage.
That Willard Bowen, a half breed Chectaw Indian, married Elizabeth
Carter, in the Chectaw Nation, Mississippi, and they lived and died,
Indians, in Mississippi, and this applicant, J.W. Bowen, is the son
of said Willard Bowen, and his wife.

That applicants applied to the Commission to the Five Civilized
Tribes, for information as to what to do, while he lived in the Chectaw
Nation, Mississippi. That, Mr. Tom Birt, one of the members of the
said Commission to the Five Civilized Tribes, instructed this petitioner
to move to the Chectaw Nation, Indian Territory, and so reside there,
and after remaining in said Chectaw Nation, Indian Territory, for thirty

or forty days, to come before said Commission, and that they would be enrolled as Chectaw Indians, of the Indian Territory, entitled to rights, equal to all other Indians.

This applicant was in good shape, owning a home, and farm, cattle, and sheep, and hogs, in the state of Mississippi, and he and his children, were making a good living. Under the advice, of the said Tamm Bixby, Commissioner to the Five Civilized Tribes, this applicant disposed of all he had, at a very low figure, and he and his wife, and children, emigrated to the Chectaw Nation, Indian Territory, and so resided, where they now live.

In pursuance of said instructions, he applied to said Commission, as directed, and that the said Commissioner, Tamm Bixby, instead of placing him upon the rolls, as indicated to him, in order to have him move to this Country, has rejected his enrollment.

This is all conclusively proven, as to the blood of said applicants, and his rights, as shown in the records on file, and in the testimony of Deeter Harden, Deeter Detrey, Tom Ford, and Mary Bowen, all good moral, respectable citizens, residing in the state of Mississippi.

Applicants contend, that under the rulings, and the decisions, of the Attorney General, approved by your Honor, in the Scott S. Dumas case, and in the James S. Joseph, Ferbis, and Lula F. Long, case, that they are entitled to have their case reopened, reconsidered, and readjudicated, and enrollment as citizens of the Chectaw Nation, as shown in the decisions, of the Attorney General, in the Long case, a copy of which is made a part of this petition, as follows, to-wit:

The Attorney General in the Long case, for enrollment as a Mississippi Choctaw, other than those claiming under Article 14, of the Treaty of September 27, 1830, (7 Stat, 335) and their descendants to reunite with the Nation, quotes the Act of June 28th 1898 (30 Stat. 495, 503) which provides:

"No person shall be enrolled, who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship, provided however, that nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the Laws or Treaties with the United States."

He further states in this case:- "There is thus, provided the rights, of descendants in the third generation, asking restoration to political relation with the Tribe, from which their ancestors became by voluntary Act, or by operation of Law, severed."

It is a matter of history that the migration of the Choctaw people from their ancient to their present western seats, was not at one time by all of the Tribe, not yet at one time by these elements of it, whose descendants now constitute the Choctaw Nation.

Only about one-half of the Tribe left their old seats in the first general movement in 1831 and 1832. The United States transported various bands, and some parties migrated at their own expense. The records of the Indian Office show that in 1845 and 1856, the Choctaw Nation as now constituted, presented claims against the United States arising out of these migrations. That the present Choctaw people did not at that time of migration, nor for a long time thereafter, regard those who failed to emigrate as unentitled to possess and share the Tribal lands and property equally with themselves whenever they should emigrate, is evident from the legislation of the Nation. As early as October 9th, 1837, (Choctaw Laws P. 73) the Council prohibited settlement or purchase of improvements on the Tribal lands from its citizens by an Indian.

"Not a descendant of the Choctaws". Descendants from Choctaws were not regarded as intruders, but as having rights without special act of Council, to appropriate Tribal lands and to purchase improvements thereon, October 14, 1847. "The late and new Descendants (ib p 96) was declared to have equal rights with the old settlers in the schools of the Nation.

This was not a grant or concession, but a mere declaration of right, not of right as residence, or as Indians, but as Choctaws, for by the resolutions of October 11, 1856, (ib 177) other Indians (Creeks) were regarded as intruders, and were asked to be speedily removed.

The Choctaw Nation and Government as now existing, was organized under a Constitution drafted by a convention assembled January 11, 1860, pursuant to the Act of October 24, 1859, by the Choctaw Council. The preamble of the instrument declares that:

"We, the representatives of the people, inhabiting the Choctaw Nation, contained within the following limits to wit:—
do ordain and establish the following constitution and form of Government and do mutually agree with one and another to form

ourselves into a free and independent Nation, not inconsistent with the Constitution, treaties and laws of the United States, by the name of the Choctaw Nation."

The first action of the Bill of Rights declared:—

"All free men when they form a social compact, are equal in rights", and all free citizens of eighteen years and upwards, who has been citizens six months, and residence in their election district at least one month, were qualified electors by section 7, Article VII.

There was nothing in this instrument defining citizenship in the Choctaw Nation, how it might be acquired or lost, or limiting the operation of it, as to such residents of its Territory as were the members then of the Choctaw Tribe. If it was so intended to be so limited by construction, it must be so done, from consideration of matters outside the instrument itself. ~~Upon its face it embraces~~ all "inhabiting" the Territory within its defined boundaries, and by the same word excluded all persons, Choctaws or not, not "inhabiting" those defined limits.

The Choctaw Nation, however, continued to solicit a reintegration of the absentees of the Tribes into the Nation. When allotment of the Choctaw-Chickasaw lands were contemplated by the Treaty

of 1866 14 Stat. 769) Article VIII, provided for newspaper publication of notice of six states in the Union.

To the end that such Choctaws and Chickasaws as yet remain outside the Choctaw and Chickasaw Nations, may be informed and have an opportunity to exercise the rights hereby given to residence Choctaws and Chickasaws. This was conditioned upon the absentee taking up an actual residence in the Nation within Five years after selecting of his allotment. By Article IV "Every Choctaw and Chickasaw" (Not citizen or residence merely) was given a ninety days preference right to select a quarter section of land.

No restriction or condition was imposed upon anyone claiming Choctaw descent, establishing residence in the Nation and thereby acquiring full rights of citizenship. October 16, 1876 (Laws 1887, 172) a tribunal for citizenship was established, and the Act provided that: "Any person who is not recognized as a citizen of this Nation, or of Choctaw descent, and claiming to be a citizen, or of Choctaw descent shall petition to the General Council during the regular session thereof, for the rights and privileges of citizenship of the Choctaw Nation".

Such petitioner shall prove his or her blood, or other means by which they claim citizenship, by not less than two good respectable Choctaws, disinterested persons, before a proper Committee, or the Chairman thereof; and the Chairman, or Secretary of Committee, shall have power to administer any and all oaths that may be necessary in conducting the investigation. The Committee aforesaid, to be appointed by the General Council, and to report to the body, by act or resolution or otherwise, in reference to the petition or petitions of the person or persons claiming to be citizens: or of blood descent; and in the event of the adoption of such report of the Committee, then such person or persons shall thereafter be deemed to be bona fide citizens of the Choctaw Nation."

The peculiar wording "or" of Choctaw descent, "itself implies that one of acknowledged descent became a citizen by mere settlement in the Choctaw Nation". The Act of October 2, 1882 (1b 174)

gave an appeal in such cases from adverse action of the Council to the United States Indian Agent. Until after this time, the right to become a Choctaw citizen seems to have been and fully and unqualifiably conceded to all persons of Choctaw descent, by mere settlement and residence in the Nation, the only procedure required being for record proof of the right, which arose as of course, upon proof of the facts of descent and residence.

An Act, apparently of November 1886, (laws 1894, 288) imposed a restriction of one-eighth Choctaw blood as necessary to requiring citizenship in the Nation.

Section 4 significantly provided: "That this act shall not be construed to effect persons within the limits of the Choctaw Nation now enjoying the rights of citizenship, thus showing that persons of Choctaw descent entitled to be recognized as citizens, but not yet, formerly recognized by the Council, or admitted to the Rolls, were residing in the Nation, "enjoying" and entitled to "enjoy" the rights of citizenship."

An act of October 30, 1885, (1b 227,) constituted a tribunal for citizenship, by a committee of the General Council, and still recognized that satisfactory proof of Choctaw descent and residence in the Nation, entitled an application to full recognition as a Choctaw citizen.

The section of this act provides:-

"It is hereby made the duty of the Sheriff of each County in this Nation to ascertain the number and names of persons, or parties in their respective Counties, who claim Choctaw rights, by blood or otherwise, and who have never established the same in accordance with the Laws of the Nation, and report the same to the Principal Chief immediately. Every such person living in this Nation and claiming to be citizens by blood or otherwise, and who shall fail to comply with the provisions of this Act, after having been duly notified thereof, by the Sheriff, or other authorized person, shall be deemed and considered an intruder, and shall be removed beyond the limits of the Nation forthwith by the Principal Chief.

An Act of the same day (1b 288) made the action of the Council upon application for citizenship final. This act, however,

did not deny the right of an absentee Choctaw to acquire citizenship by taking up residence in the Nation, but made the Council the final tribunal upon the sufficiency of proof.

As late as December, 24, 1888, the Choctaw General Council memorialized Congress by a resolution that:-

Whereas, there are large numbers of Choctaws yet in the States of Mississippi, and Louisiana, who are entitled to all rights and privileges of citizenship in the Choctaw Nation, and

Whereas, they are denied all rights of citizenship in said States, therefore, BE IT RESOLVED, by the General Council of the Choctaw Nation assembled:- "That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation".

This policy was maintained by Act of April 8th, April 9th, and October 27th, 1891, Mrs. Annie Boyd, and others, Cornelius Hickman and others, and Henry Lewis, Mississippi Choctaws, late arrivals were simply "recognized" by resolution of the Council as citizens (Laws 1896, pages 320, 313, 329). This form "declared" or "recognized" rather than "admitted" was the usual one and was used in the Acts declaring Mrs. Mayo and family, Joseph R. Plummer, Carolina Hazel and others, and Lucy Dodson and others, entitled to citizens (Laws 1883, pages 35, 45, 54.)

It was always regarded as a matter of right of such persons not of grade or grant in the nature of adoption, admission, or naturalization of alien. This policy seems not to have been abandoned until October 16, 1895, when the Council adopted the resolution (Laws 1896, page 4) that:

"Be it resolved by the General Council of the Choctaw Nation assembled- That all persons who claim citizenship to the Choctaw Nation and intend proving the same, are hereby notified that they must file their petitions as the law directs on or before November, 15, 1895, as after said date no petitions will be entertained by the Choctaw Nation, and all parties who have their petitions filed are hereby notified that they must come forward and prosecute the

the same at once.

September 18th, 1896, (1b page 43) an Act was passed by the Choctaw Council for appointment by the Principal Chief of three citizens by blood by a commission to proceed within ten days after its passage "to enroll all recognized citizens of the Choctaw Nation" and section 3 provided: "Be it further enacted, that the rolls, when completed by said Commission, shall be certified by said Commissioners and delivered to the Principal Chief, of the Choctaw Nation, on or before the twentieth day of October, 1896, to be revised and approved by the next General Council of the Choctaw Nation.

Such a roll was made and prepared by the Commission and is known as the 1896 Census Roll. As stated by the Principal Chief of the Choctaw Nation, in a letter of July 22, 1897, to the Commission, there is "Only one authenticated roll of citizens, and that is the one approved by the legislative in 1896". This I infer, was the roll prepared under the Act of September, 18, 1896.

The view taken by the United States Courts for the Indian Territory, action on cases appealed from decision of the Daws Commission in citizenship cases under the Act of June 10, 1896, (29 Stat. 339) was that (1) Mississippi (or absentee) Choctaw, whose ancestors or themselves had never removed to the Nation were not entitled to be enrolled, but, (2) that one, who had heretofore actually removed to the Nation was entitled to be enrolled as a citizen, with all rights, except those who had taken benefit of the 14th Article, of the Treaty of September, 27th 1830, (7th. Stat. 333, 335) were excluded from sharing annuities. Jack Amos, et al (Ann. Rep. Com. Indian Affairs, 1896, page 459) E.J. Hoene (1b page 455): general summary (1b page 114,) that:

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their Council passed many Acts and resolutions inviting these absent Choctaws to remove into their Country, and on one occasion appropriated a considerable sum of money: and until the past two or three years have always promptly place those who did not return

on the rolls of citizenship, but never enrolled an absent Choctaw Indian as a citizenPage 16. The reason of this conclusion is to my mind, morally certain, that it is to be remembered that ever since the Treaty of 1830, now for a period of nearly sixty-seven years, with the exception of the past two or three years, the Choctaw by its legislative enactments, and by its acts so long continued that by custom they have become crystallized into law, having universally admitted all who should remove and rehabilitate them in all the rights and privileges of citizenship enjoyed by themselves.

The only limitation imposed by Congress and the Laws of the United States in the provision of the Act of June 28, 1898, (30 Stat. 495, 503) that: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship".

So far as a bar is raised by the Laws of the United States it is sufficient if a claimant to citizenship in the Five Civilized Tribes removed to and permanently settled in the Indian Territory wherein he claims to be enrolled prior to June 20, 1898. This we did.

Subject to the power of Congress, the Indian Nations are self-governing communities, entitled to control and manage their own affairs, such as citizenship, rules of descent, revenue and criminal procedure, Roff v Burnsey (168 U.S. 218, 222), citizenship cases, U.S. Courts, Indian Territory (Annual Report Commissioner of Indian Affairs, 1898, pages 473, 499, 525;) Jones v Mahan (175 U.S.1.); Buster v Wright, Inspector, Sanbern Cr. Eight Circuit, March 7, 1895) Talten v Mayes (163 U.S. 376, 385;) U.S. v Kagama (118 U.S. 375, 381).

Except as above limited, it is wholly a matter Choctaw Law when a Choctaw by blood becomes separated from the Nation and lost right to reunite himself to it, Congress so directed the Commission, and by Act of June 10, 1896, (29 Stat. 321, 339) provided:- That in determining all such applications said Commission shall respect all Laws of the several Nations or Tribes, not inconsistent with the Laws of the United States, and all Treaties with either of said Nations or Tribes, and shall give due force and effect to the rolls, usages and customs of each of said Nations or Tribes.

As the Choctaw Nation up to November 15, 1895, was continually inviting the absentees to reunite themselves with its body and

accept its citizenship, and applicants accepted that invitation and permanently located in the Nation, it was their right under the Act of 1896, supra to be enrolled by the Commission to the Five Civilized Tribes, or by the "legally constituted Court or Committee designated" by the Tribes if they made application within three months from the passage of the Act.

By the usages and customs of the Choctaw Nation of sixty years standing crystallized into law, "they were entitled to be recognized" as its citizens. This enrollment was not an admission to citizenship, but the merely recognition of citizenship existing".

Section 21, of the Act of Congress approved June, 28, 1898, (30 Stat. 495) provided that:

Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other Tribes, eliminating from the Tribal Rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said Tribes".

I am of the opinion that the Commission erred in its application of the law to the fact, As above shown, until November, 15, 1895, the usage and custom of the Choctaw Nation for more than sixty years was to recognize absent Choctaws upon the removal to any permanent settlement in the Nation. No admission to citizenship was, by the usage of the Tribe, necessary. When applicants removed to the Nation in 1894, they thereby became citizens. The Council could not, by prohibiting its Committee by enrolling a class of citizens for no cause except its own non-action. Were that its intent, I would have no hesitation in saying that such arbitrary action was beyond its power and in clear violation of Section II, of the Bill of Rights of the Choctaw Constitution as an attempt to outlaw or deprive a class of citizens of their liberties and privileges unheard.

But a more appropriate and proper construction of the 7th. prohibiting clause in the Act of October 30, 1896, above quoted is that it was intended to apply to cases of non-citizens who had

applied for admission or adoption in the Nation, and whose claims had not been heard and found to be unfounded, and whose claims had been rejected, so construed the prohibition was a proper exercise of legislative power, but had no application to those who by tribal usage, became citizens by reuniting with the Nation in 1894. In putting the omitted names of such persons on the Roll, the revisary board and the Governor in so advising, were not acting properly and within their powers, I am therefore, of the opinion that applicants were not enrolled without authority of law, and certainly not by fraud, and the Commission erred in denying the enrollment.

There was no regular Tribal rolls, kept from Father to Son or from ancestry to descendant in the Choctaw Nation during the year 1830 to 1900.

And that during the year after the removal of the Choctaw people from Mississippi, invitation after invitation was sent out by the Choctaw Nation, and it was understood, that all who would could remove to the Choctaw Nation, and could affiliate with the Nation in the Indian Territory. Their rights have never been questioned, the fact of blood being apparent and undoubted, and that they, are and were a portion of the Choctaw people, to whom it was the intention of Congress to distribute equally the Choctaw lands in the Indian Territory. That your petitioners are entitled to reconsider of the Honorable Secretary in said case upon the regular question involved with relation to the consideration and the weight to be given to the presumption of evidence.

The right for these applicants, as Choctaws by blood entitled to enrollment upon the Rolls of the Choctaw Nation was never passed upon by the Commissioner to the Five Civilized Tribes, SOLELY BECAUSE OF THE FACT, THAT THEY FAILED TO APPLY WITHIN THE TIME PROVIDED BY LAW OF 1896.

Said failure was not on account of any fault, of these applicants as they knew nothing of said requirements until long after the time for application, until said Laws had expired.

The Attorney General says in the case of Scott S. Dumas, et al an application for indentionation as Mississippi Choctaws, and said holding approved, by the Secretary of the Interior, says: That lack of record evidence of the right cannot bar one entitled to the benefit, and that it necessarily follows that any competent secondary evidence, by parole or otherwise, may be availed or to prove said right; also the Secretary holds in the Richard R. Coleman et al case, says:-

"That the Commission is authorized and directed to make correct Rolls of the Citizens by blood, of all the other Tribes, eliminating from the Tribal Rolls, such names as may have been placed thereon by fraud, or without authority of Law".

Again, he says in same case, he says: "That Congress in the legislation defining the power and duties of the Commission, declared that the Commission shall respect all Laws of the several Tribes not inconsistent with the Laws of the United States, and shall give due force and effect to the Rolls, usages and customs of each of said Nations and Tribes.

Again in same case, he says; "One knows nothing of his lineage and it is always a matter of tradition".

He further holds in the Mary Elizabeth Martin Case, that allegiance of birth is obtained by succession to the allegiance of the parent.

He further holds, "In no state, so far as he is aware of, has it ever been held that the offspring of a citizen is a born stranger to its parents allegiance". (These applicants, unless they be held to be born strangers to the allegiance of their parents and foreparents, as stated by the Attorney General, are entitled to enrollment).

The Treaty of 1830, secured to these applicants, enrollment. The Treaty of 1855, co-operates with the Treaty of 1830. And, again the obligation of the Government, was renewed in the Treaty of 1866.

ARTICLE I.

In pursuance to the Acts of Congress, approved May 28, 1830, the United States do hereby, forever secure, and grant

(II)

the lands embraced within the said limits, to the members of the Choctaw and Chickasaw Tribes, their heirs and assigns, to be held in common, so that each and every member of either Tribe, shall have an equal and undivided interest in the whole.

Now applicants, who under the above title of this property, we think are equal owners and co-tenants, with the other Indians of said Tribe, and therefore their Rights in this land, under this treaty, as has been heretofore held, by the Supreme Court of the United States, is a vested right, and that any vested right, in this land cannot be effected legally, by any Acts of Congress, or by any Treaty, to which they are not a party.

The United States Supreme Court says: The law of the United States statutes, should not be so construed, as to impair rights secured by treaty, or to violate plighted faith of the Government.

And this, the United States Supreme Court, declared in the case of Chew Heong VS The United States, 112 U.S.R. 536-549, where the following language was used: "For since the purpose avowed in the Acts, was to faithfully execute this Treaty, an interpretation of its provision would be rejected, which imputed to Congress and intention to disregard the plighted faith of the Government, and consequently ought to adopt that construction, which recognized and save Treaty rights, secured by Treaty.

Courts cannot legally destroy vested rights, and further speaking of the case at bar, the Supreme Court says:- This award and judgement, which the appellant has secured under the Treaty of 1855, was so far a right of property, as to be beyond the reach of legislative power. It was strictly a right of property growing out of Treaty stipulation, and as such, it could not be rightfully taken away, except by the consent of the appellant.

The Court further says:- It is not permitted, to so construe a law, the terms and provisions of a statute, so that injustice and wrong, shall be inflicted by means of the construction of its general provisions.

This proposition was declared, in the case of the United States VS Kirby and Wall, 482-484, where the United States Court

used the following language: "All Laws should receive a sensible construction, general terms should not be so limited in their application as to lead to unjust oppression or absurd consequences."

Again the latter clause of the 14th Article, of the Treaty of 1830 reads:- When well founded doubt shall arise, it shall be construed most favorably toward the Choctaws, (which is these applicants.)

Now we fail to see how the Commission or the Department can reject these claimants, without disregarding the foregoing opinion of the Attorney General, and also of the decisions, as indicated by the Supreme Court, and the latter clause of the 18th Article, of the Treaty of 1830.

The Court further says: The insertion in the Treaty, of the word "right" shows unmistakeably, that everything demanded by natural justice, was meant to be secured to all Choctaw Indians, and their descendants, as well as to all enrolled citizens of the Choctaw Nation.

Article 3, of the Treaty of 1830, ceded all the lands east of the Mississippi river, for the lands west of the Mississippi river, therefore, all the lands ceded, being the common property of all the Choctaw Indians, makes this the Indian Territory, for which their property was ceded, the common property of all the Mississippi Choctaws, and their descendants, irrespective of the 14th Article people but all Choctaw Indians inclusive, and conditions imposed by Congress, upon Choctaw claimants not required nor authorized by the Treaty of 1830, are void. For as declared by the Supreme Court, it is not within the power of Congress to legally abridge or restrict a right to enjoy property, guaranteed or secured under treaty stipulations.

Brief proclamants in Net proceed case, 191, 211, 218. This cites the decision.

Webster declares the same legal proposition, in his opinion on the Florida Claim, which had their origin in the Treaty of 1819, between the United States and Spain.

Speaking of the force and sanctity of Treaty obligation he said:-
 A Treaty is the Supreme law of the land, it can neither limited or restrained, nor modified nor altered, it stands on the ground as National Contract, and is declared by the Constitution, to be the Supreme Law of the land. And this gives it a character, higher than any act of ordinary legislation. It enjoys an immunity, from the operation and effect of all such legislation. Senate report, 93 First Session, 36 Congress, pp 16, 22.

The Indian themselves, and those of them in authority have always heretofore, acknowledged the rights and interest in the lands of the Indian Territory, being in all the Choctaw Indians. and the National Council, on December 9th, 1889, memorialized Congress by the adoption of the following resolution:-

That whereas, there are a large number of Choctaw and Chickasaw Indians, in these states, and whereas, they are too poor to emigrate into the Choctaw Nation.

Therefore be it resolved, by the General Council of the Choctaw Nation assembled, That the United States Government, is hereby requested to make provisions for the emigration of said Choctaws, from the said states to the Choctaw Nation, Indian Territory.

Now we are here, knocking at our own doors for admission into our own house, with our own brethren. The door of admission to citizenship in the Indian Territory, has always been kept open by the Choctaws and Chickasaws, and whenever an Indian moved into the Indian Territory, he was upon proof of having Indian blood, a descendant of some Choctaw Indian admitted by the Councils of said Nation, to all the privileges of Choctaw citizenship.

There is nothing in the history of the Choctaw Nation, up to the time of the Dawes Commission, in 1898, where there was ever any difference made, in the recognition to citizenship, of the common Indians, and the 14th Article Indians. But they were recognized upon proof of blood, as Choctaw Indians, and possessed of the same rights.

In proof of this, under the Treaty of 1866, when there was a possibility of the allotment of these lands, in severality.

It was made a requisite in the Treaty, that the allotment of lands should be published, in newspaper, not only printed in the Choctaw and Chickasaw Nations, but in the States of Mississippi, Tennessee, Louisiana, Texas, Arkansas and Alabama, to the end that such Choctaws and Chickasaws, as yet remain outside of the Choctaw and Chickasaw Nations, may be informed and have opportunity to exercise the rights, thereby given, to resident Choctaws and Chickasaws.

This of itself, as above indicated, gives a right, and it is the duty of the Commission, under said Law, Treaty, usages and customs, of said Nation to enroll us.

No where is it found, in any of the Laws of the Choctaw Nation, or any of the treaties, where there was any difference made with any Choctaw Indian, in establishing rights in the Indian Territory, immaterial as to whether he was a 14th Article, a 19th Article, or simply a common Indian, if a Choctaw Indian, he was a brother of these Choctaw Indians, and wards of the Government, and in every instance has been recognized as such, and was not discriminated against, by the Choctaw or Chickasaw Nation.

The Treaty of 1830, and of 1866, was founded upon justice and equity, to all concerned. It was never once contemplated by the makers of these Treaties, that one of their brethren would be discriminated against, in favor of the other.

Applicants contend, That treaty rights should be respected, and that their rights in the lands of the Indian Territory, are vested rights, and that all Choctaw Indians, who are descendants of Choctaw Indians, Mississippi, are entitled to enrollment, in the Indian Territory, upon the Rolls of the said Choctaw Nation, upon the proof of blood and removing to, and settling in said Territory irrespective of the 14th Article, or any other Article of the Treaty of 1830.

Applicants contend, that no law that abridges treaty rights, is oppressive against the party who has guaranteed rights. And further contends, that the rights guaranteed by a treaty has been respected by all laws of Congress, up 1862, by saying in the latter

UNITED STATES OF AMERICA)
CHOCTAW NATION)
INDIAN TERRITORY.)

Personally appeared before me the undersigned authority,
Dunwood Bowen, who after being by me duly sworn according to law,
on oath states.

That he is the principal applicant in the case titled
Dunwood Bowen et. al, VS. The Choctaw Nation, that he is residing in
the Choctaw Nation, Indian Territory, that he is the father and
grand-father, of all other applicants, hereto attached. That he is
a Choctaw Indian by blood, and was born and raised in the Choctaw Nation
Mississippi, and direct from there to where he now lives. That he has
read and heard read the foregoing petition, and that the facts contained
are true and correct to the best of his knowledge, that he has
served a copy of this petition, with the exhibits and affidavits,
thereto attached, upon Mansfield, McNurry & Cornish, attorneys for
the Choctaw and Chickasaw Nation, Indian Territory, by mailing them
a copy, directed to them at their post-office, at South McAlester,
Indian Territory, and the receipt of the post-master in said letter,
containing said motion and petition, is hereto attached for proof
of service.

*Witness
R. H. Tarter*

*his
Dunwood Bowen
mark*

Subscribed and sworn to before me by Dunwood Bowen, as being
true and correct to the best of his knowledge, on this the 16 day
of June, A.D. 1906.

sed

R. H. Tarter
Notary Public.

UNITED STATES OF AMERICA
CHOCTAW NATION
INDIAN TERRITORY.

Personally appeared before me the undersigned authority
Sidney Bowen, who after being by me duly sworn according to law on
oath, states:

That he is one of the applicants in the case titled Bowen et al, VS. The Choctaw Nation, that he has read the foregoing
petition and that the facts contained therein are true and correct to
the best of his knowledge.

Sidney Bowen

Subscribed and sworn to before me by Sidney Bowen, as being
true and correct to the best of his knowledge, on this the 26 day of
June, A.D. 1906.

Cal

C. H. Porter
Notary Public.

The following named parties are also made affidavit, exactly the same
as the last one above signed by Sidney Bowen, as follows to-wit:

Tommy Lee Bowen, Ida A. Beard, Lenzo Bowen

No. 3800

For Identification as a Mississippi Choctaw.

Date OCT 22 1901

Name *Wmwood Bowen,*

Age *45,* Blood *1/4*

Post Office, *Eufala, I. T.*

Father: *Willard Brown d*

Mother: *Betsy E, " d*

Claims through *father* —
wife, *Jane " (d) W.*

Children: *Addie Bowen, 20*

Alonzo " 19

Sidney " 17

Bennie " 14

Johnnie " 12

Levinia, girl 10

*Claims for self &
children,*

Stenographer *Hal Belford,*

Choctaw MCR 3807

Richard M. Brooks

See MCR 3358

MCR 3807

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 22, 1901.

#2807.

In the matter of the application of Richard M. Brooks
for the identification of himself and his minor child, Fay H. Brooks
as Mississippi Choctaws.

Applicant not represented by Attorney.

Richard M. Brooks, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Richard M. Brooks.
Q What is your age? A Twenty-four years.
Q What is your post office address? A Eldorado.
Q Eldorado? A Yes sir.
Q Texas? A No sir, Oklahoma, Greer County.
Q How long have you lived in Oklahoma? A Lived there two years.
Q Where did you live before that? A I lived in Grayson County.
Q Where were you born? A Borned in Grayson.
Q And you lived there until you went to Oklahoma? A No sir.
Q Well, tell me where you have been ever since you were born. A I
was born in Grayson and lived there till I was nine or ten years
old, moved from there to Denton County---.
Q Texas? A Yes sir. Lived there something near two years, and
from there to Montague County---.
Q Texas? A Yes sir. And from Montague County to the Indian Ter-
ritory, Chickasaw Nation. From there to Grayson County and from
Grayson County to Greer County.
Q What is your father's name? A Richard F. Brooks.
Q Is he living? A No sir, he's dead.
Q Is your mother living? A No sir.
Q What was her name? A Margie Gray.
Q What is it? A Margie Gray.
Q H-a-r-g-i-e, is it? A Yes sir.
Q Margie Brooks---she married a Brooks did she? A Yes sir.

(2).

- Q Through which parent do you claim Choctaw blood? A Through the father.
- Q How much Choctaw blood do you claim? A Sixteenth.
- Q Has your father ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir, not that I know of.
- Q When and where were your father and mother married? A Married in Grayson County, in the year 1876.
- Q Day of the month? A I couldn't tell you.
- Q Have you proof of their marriage with you? A No sir, I haven't.
- Q You will be allowed reasonable time to prove their marriage or introduce such testimony as will be satisfactory to prove their marriage. Are you married? A Yes sir.
- Q What is your wife's name? A Laura J.
- Q What? A Laura J.
- Q Is she a white woman or an Indian? A White woman.
- Q Do you make claim for her? A No sir.
- Q Have you children under twenty-one years of age and unmarried that you want to make application for? A I have one infant.
- Q What is the name of that child? A Foy.
- Q What? A Foy H.
- Q F-o-y? A Yes sir.
- Q Foy H. Brooks---how old? A Nineteen months.
- Q Is Laura J. Brooks the mother of this child? A Yes sir.
- Q Was she ever married before she married you? A No sir.
- Q Was you ever married before you married her? A No sir.
- Q When and where were you married to her? A Married in Montague County, in the year of '96, September the 6th.
- Q Have you proof of your marriage with your wife with you? A No sir.
- Q Think you can produce it if given time? A Yes sir.

Time will be allowed applicant in which to prove his marriage to his wife.

- Q You claim for yourself and this boy, do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made of any description for citizenship in the Choctaw Nation either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.

(3).

- Q Do you now seek to be identified, yourself and this child, as Mississippi Choctaws under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir. That is, if I understand that treaty.
- Q Do you understand article fourteen of that treaty? A No sir.
- Q You understand what a treaty is do you not? A Yes sir.
- Q And you understand that an article in a treaty is one of the subdivisions of it. That articles are numbered from one up to as many as there are in a treaty? A Yes sir.
- Q The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek was made between the United States Government and the Choctaw Tribe of Indians who lived in the old Choctaw Nation in Mississippi and Alabama in 1830, and was made for the purpose of effecting the removal of all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation here in the Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Now article fourteen reads in this way:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be over ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now do you understand that article? A I believe I do.
- Q Do you know, after hearing it read and explained, do you know whether any of your ancestors as Choctaw Indians complied or attempted to comply with any of the provisions of article fourteen of that treaty? A No sir.
- Q Who is the ancestor? What is the name of the ancestor? A Julia Ann Brooks.
- Q You claim your Choctaw blood through whom? A Julia Ann Brooks.
- Q Julia Brooks? A Yes sir.
- Q Is there two names there? A Yes sir.
- Q What relation was she to you? A She was a grandmother.
- Q Your father's mother or mother's mother? A Father's mother.
- Q Your father's mother? A yes sir.
- Q Did she live in Mississippi in 1830? A I do not know.
- Q Do you know whether she ever lived in Mississippi? A No sir, I do not.

(4).

- Q Did your father ever live in Mississippi? A I don't know.
- Q Did you ever hear that any of your ancestors ever lived in the State of Mississippi? A It is said that grandfather moved from Mississippi.
- Q What is his name? A J. B. Brooks.
- Q What? A J. B.
- Q J. B. Brooks? A Yes sir----John B.
- Q Well, he was a white man wasn't he? A Yes sir.
- Q And the husband of Julia Ann Brooks? A Yes sir.
- Q Well, if he lived there didn't his wife live there? A I suppose so.
- Q Well, he might have lived there and she might have died before, you know. A No, she died in Grayson County.
- Q Well, then as you understand it Julia Ann Brooks lived in Mississippi? A Yes sir.
- Q Did you ever hear that she did in the family? Did anybody ever say so? A It seems as though they told me that she moved west from Mississippi.
- Q From Mississippi? A Yes sir, Mississippi or Kentucky.
- Q You don't know which? A No sir, I don't know anything at all about that.
- Q Well then, how do you know that you are descended from a Mississippi Choctaw ancestor if you don't know that you had an ancestor who lived in Mississippi? A Just the testimony of the others.
- Q How? A By testimony of my uncles and aunts.
- Q Well, have they appeared before the Commission? A Yes sir.
- Q Who have appeared before the Commission? A H. D. Brooks.
- Q H. T. Brooks? A D.----A. L. J. Bomberger, P. W. Brooks.
- Q Any others? A I don't know whether I could call all the names or not.
- Q Well, did they all claim through Julia Ann Brooks? A Yes sir.
- Q And do you want their testimony referred to and made a part of yours that you may get the benefit of what they have sworn to? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I do not know.
- Q Do you know whether Julia Ann Brooks or any of your Choctaw ancestors were heads of families in Mississippi in 1830? A No sir.
- Q Do you know whether she claims through her father or mother? A No sir.
- Q Don't know her father's name or mother's name? A Her father's name was Kelley.
- Q Kelly? A Yes sir.
- Q What was his first name? A Thomas.
- Q Thomas Kelley? A Yes sir.
- Q Didn't these relatives who came before the Commission claim through Kelley? A Yes sir.
- Q Kelly or Kiley, wasn't it. Did you ever hear? A Well, it's Kelly or Killey or something like that.
- Q Well did Thomas Kelley have---was he a fullblood Choctaw Indian? A No sir.
- Q How much blood? A Half blood was what I understand.
- Q Did he or any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 and 1838? A I have just understood that some of the relatives went.
- Q Do you know who went? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they intended to stay in Mississippi and take land there? A No sir, I don't know.

(5).

- Q Did any of your Choctaw ancestors ever own or receive any land in Mississippi as Choctaw Indians from the Government of the United States under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive or claim any benefits or any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q In accordance with the provisions of article fourteen of the treaty of 1830, the United States Indian Agent, Colonel Ward who lived in Mississippi at that time was instructed by the Government to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. This Indian Agent neglected to record the names of the greater number of Indian claimants who came before him within six months from the ratification of the treaty of 1830. His record, known as Ward's Register, contains but a very small fraction of the total number of all who came before him. This neglect on his part to make a proper record of all claimants caused a great deal of distress among the Indians for some of them who had land in Mississippi upon which they had improvements had both land and improvements taken from them and they were sold by the Government at its public land sales. This caused so many complaints on the part of the Indians that Congress in 1837 appointed a Commission and this Commission went to the State of Mississippi and heard all claimants under article fourteen and made a list of the names of those whose claims were approved. In 1842 another Commission was appointed by Congress and this Commission went to the State of Mississippi and made a list of successful claimants that appeared before it of those who claimed under article fourteen. Did any of your ancestors appear before either of those Commissions, that of 1837 or the Commission of 1842 and claim benefits under article fourteen of that treaty? A I do not know.
- Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government he should be entitled to select land elsewhere in the State of Mississippi or in Alabama or Louisiana or Arkansas to be taken from vacant Government land and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your ancestors ever receive any scrip from the Government of the United States under this Act of Congress? A No sir.
- Q Have you any documentary evidence of any kind that you want to introduce now in support of your claim? A Yes sir.

The written statement of Richard M. Brooks, this applicant presented by him, received, filed, marked exhibit "A" and made a part of the record in this case.

Joint affidavit of C. P. Midkiff and W. H. Roberts presented by applicant, received, filed, marked exhibit "B" and made a part of the record in this case.

(6).

Q Is there anything more you want to say in support of your claim?

A I believe not.

Q That is all the documentary evidence you have now is it? A Yes sir.

A reasonable time will be allowed this applicant in which to furnish additional evidence in support of his claim if he desires, and also to prove the marriage between his father and mother, and proof of his own marriage with his wife.

Q Do you speak or understand the Chectaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage: has medium dark complexion, black eyes, dark hair and mustache. He does not understand the Chectaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 27 day of November, 1901.

Clara Mitchell
Notary Public.

Muskogee, Indian Territory, December 4, 1901.

Galloway & Heflin,
Attorneys at Law,
Sherman, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 2, inclosing certified copy of marriage license and certificate between R. M. Brooks and Laura J. Parris, which is offered for filing in support of the application for identification as Mississippi Choctaws of Richard M. Brooks, et al.

Also of certified copy of marriage license and certificate between G. C. Brooks and Alice L. Hunt, which is offered in support of the application for identification as Mississippi Choctaws of Christopher C. Brooks et al. This evidence has been filed with the records in the above named cases.

There is inclosed you herewith a copy of the rules and Regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws.

Yours truly,

MC 3807
MC 4108
Rules for dep.

Commissioner in Charge.

Muskogee, Indian Territory, June 16, 1902.

Richard M. Brooks,

Widorado, Oklahoma.

Dear Sir:-

You are hereby advised that on the 4th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi

Cheetaws:

Francis Marion Brooks, et al.,	M C R 3358
Sarah Rebecca Burnett, et al.,	" 3243
John Franklin Barnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3246
Sarah L. McGlendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3387
Hamilton D. Brooks, et al.,	" 3389
Price W. Brooks, et al.,	" 3340
Christopher C. Brooks, et al.,	" 3371
Andrew S. Brooks, et al.,	" 3372
Andrew A. Brooks, et al.,	" 3372
Julia M. McGinnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ely Brooks, et al.,	" 3496
John H. Brooks, et al.,	" 3496
James M. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Basson, et al.,	" 3620
Iola A. Moore, et al.,	" 3728
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McManamy, et al.,	" 4092
Charles L. Brooks,	" 4092
Nancy Arvey Wininger, et al.,	" 4386
Robert A. Brooks,	" 4381
Willie Blackwell,	" 4382

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lowella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Matella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Ross Brooks, Arthur C. Brooks, Andrew J. Brooks, Lucion Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrose A. Brooks, Mattie E. Brooks, Minnie P. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Uma May Bomberger, Othel Paul Bomberger, Ava Price Bomberger, William Ely Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Davis Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Ray Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Naud L. Russen, Grever C. Russen, Robert L. Russen, Nala M. Russen, Iola A. Moore, Burt Moore, Minnie E. Moore, Edie C. Moore, Cera A. Moore, Richard M. Brooks, Fay M. Brooks, John H. Brooks, Eva

MEMO

Brooks, Minnie A. McKenney, Lerona McKenney, Robt McKenney, -- McKenney (infant unnamed), Charles L. Brooks, Nancy Arvey Vininger, Eliza Vininger, Robert A. Brooks and Willie Blackwell as Cherokee Indians entitled to rights in the Cherokee lands under the provisions of said article fourteen of the treaty of 1835 and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James D. Dwyer

Registered.

Acting Chairman.

COPY.

W O A 2807

Waskogen, Indian Territory, October 17, 1908.

Richard M. Brooks,

Edgar, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 9th day of October, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 18th day of June, 1908.

Respectfully,

SIGNED

James H. H. H.
Acting Chairman.

No. 3807

For Identification as a Mississippi Choctaw.

Date OCT 22 1901

Name Richard M. Brooks

Age 24 - Blood 1/16

Post Office, Eldorado, Okla.

Father: Richard P. Brooks d

Mother: Margie " d

Claims through father: - - -

wife - Laura J. Brooks, w.

No claim for wife -

Children:

Foy H. Brooks, 19 m.

Claims for sep
and ~~and~~ - chid

Stenographer

W. B. B. B. B.

Choctaw MCR 3808

Alfred J. Roberson

See MCR 3772

MCR 3808

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T., October 23, 1901.

3808

In the matter of the application of Alfred J. Roberson for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Alfred J. Roberson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Alfred J. Roberson.
Q What is your age? A My age is twenty-two.
Q What is your post-office address? A Commerce, Texas.
Q How long have you lived there? A About two months.
Q Where did you live before that? A Louisiana.
Q Were you born in Louisiana? A Yes sir.
Q What part of Louisiana? A Bossier Parish.
Q How long did you live in Louisiana? A I lived there until I was ten years old and then I stayed away four years and then the balance of the time I have been in Louisiana until the last two months.
Q What is your father's name? A John J. Roberson.
Q Is he living? A Yes sir.
Q Has he been here before the Commission for identification as a Mississippi Choctaw? A No sir.
Q What is your mother's name? A Frances E. Roberson.
Q She living? A No sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim through her? A One-thirty second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Will you give over your question again?
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Are you married? A No sir.
Q You apply for yourself alone? A Yes sir.
Q When and where were your father and mother married? A In December 1877 in Louisiana.
Q What place in Louisiana? A Bossier Parish.
Q You remember the day of the month? A No sir.
Q Have you evidence of their marriage with you? A No sir.

A reasonable time will be allowed this applicant in which to produce evidence of the marriage of his father and mother.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10th 1896? A No sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of the treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians, at a place called Dancing Rabbit Creek, on the 27th day of September 1830. This treaty was made between the Choctaw tribe, who at that time lived in what was called the old Choctaw Nation, which is located partly in Mississippi and partly in Alabama for the purpose of removing all the Choctaw Indians from the Country then occupied to the New Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Choctaws would not go to the New Choctaw Nation, Indian Territory and in order to protect their interests article fourteen was put into the treaty. The treaty then became satisfactory to all parties and was signed and afterwards ratified. That fourteenth article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article of that treaty as read to you? A I believe I do.
- Q As you have had it read and explained to you, do you know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830?
A I believe that William Allen did, my great great grandfather.
- Q You claim through your mother? A Yes sir.
- Q How much Choctaw blood did she have? A Why about three-quarters I think.
- Q You claim all your Choctaw blood through your mother? A Yes sir.
- Q You claim through your mother Frances E. Roberson? A Yes sir.
- Q What was her maiden name? A F. E. Spurlin..
- Q Did she claim through her father or mother? A Through her mother.
- Q What was her mother's maiden name? A Mary A. Allen.
- Q She claimed through which parent? A Father.
- Q What was his name? A Gideon Allen.
- Q And he claimed through which parent? A William Allen.
- Q Did William Allen live in Mississippi in 1830 or in Alabama? A I don't know.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830 do you know? A I don't know.

#3

- Q Did William Allen ever live in Mississippi or Alabama? A I don't know.
- Q Did his son Gideon? A I don't know.
- Q Do you know whether any of your ancestors lived in Mississippi or Alabama at any time? A I think William Allen did or his father rather.
- Q What was his father's name? A Samuel Allen.
- Q You think Samuel Allen and William Allen lived there? A I don't know positively.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the old Choctaw tribe of Indians in Mississippi or Alabama in 1830? A I don't know.
- Q When did your mother die? A In June 1890.
- Q Eleven years ago? A Yes sir.
- Q How old was she when she died? A I don't know sir.
- Q Was she old? A Not very old probably between 30 and 35.
- Q You think she might have been about forty-five now if she lived? A Yes sir.
- Q Where was she born? A In Louisiana.
- Q What place in Louisiana? A Red Land.
- Q She claims through her mother? A Yes sir.
- Q Do you know when her mother died? A Her mother died in 1838.
- Q You know how old she was? A I don't know.
- Q Where was she born? A In Louisiana, Bossier Parish.
- Q What date? A I don't know.
- Q She claimed through which parent? A Father.
- Q That was Gideon Allen? A Yes sir.
- Q You know where he was born? A No sir.
- Q Where did he die? A In La Boss Parish.
- Q You don't know whether he ever lived in Mississippi? A I don't know.
- Q Did any of your Choctaw ancestors won any improvements on land in Mississippi or Alabama in 1830 or any time before that? A I don't know.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent Colonel Ward and tell him that they intended to stay in Mississippi and take land there within six months after the treaty of 1830 was ratified? A I don't know sir.
- Q Did any of your Choctaw ancestors go with the other Indians between 1833 and 1838 from the old Choctaw Nation Mississippi and Alabama to the New Choctaw Nation Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama from the government under the article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your ancestors claim or receive any land or any benefit under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent Col. Ward who lived in Mississippi at that time was instructed by the government to make a list of all the names of Choctaws who came before him within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States. The Agent failed to make a complete list of all Indians who came before him. His list known as Ward's register contains the names of only a few Indians who came before him and as the result of this neglect on his part a great many Indians who owned land in Mississippi and Alabama had their land taken away from them by the government and sold. This caused so many complaints, that Congress in 1837

appointed a Commission. This Commission went to the State of Mississippi and heard all claimants under article fourteen of that treaty who desired to come before it and claim rights under article fourteen of the treaty of 1830 and made lists of successful claimants. In 1842 another Commission was appointed for a similar purpose.

- Q Do you know if any of your Choctaw ancestors appeared before either of these Commissions that of 1837 or the Commission of 1842 and claimed benefits under article fourteen of the treaty of Dancing Rabbit Creek? A I never heard whether they did or not.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and that his land had been taken from him he should be entitled to select land elsewhere either in Mississippi, Arkansas, Louisiana or Alabama and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A Not that I know of.
- Q Have you any relatives who have previously come before this Commission for the purpose of being identified as Mississippi Choctaws? A Yes sir.
- Q The names of relatives of yours who have previously appeared here and who claim through the same ancestor that you do are as follows: Isaac B. Allen, Joseph T. Spurlin, Dixon G. Spurlin, John A. Waldrop, Achilles A. Waldrop, Henry G. Martin, Emmet Holloway, Mary E. McCurdy, Linna B. Dodson, Prudis E. Wooten, Sallie Watts, Eliza Holloway, May M. Waldrop, Eliza E. McMahon, James A. Martin, Louisiana A. Holloway, Green A. Martin, Fannie E. Hall, Mary E. Franklin, Kate O. Watts, Mary L. Allsup, Annie A. Francis.
- Q Do you know these people? A Yes sir.
- Q They are all related to you? A Yes sir.
- Q They all apply through William Allen? A Yes sir.
- Q Do you want to have their testimony taken into consideration with yours in order that you may get the benefit of what they have testified to? A Yes sir.
- Q Is there anything more that you want to say in support of your application? A Nothing further that I can think of.
- Q Have you any documentary evidence that you want to present now? A Yes sir.

Petition of this applicant Alfred J. Roberson presented by him, received filed and made a part of the record in this case.

Also, joint affidavit of J. M. Holloway and J. T. Spurlin presented by this applicant received, marked exhibit "B" filed and made a part of the record in this case.

- Q Have you any other documentary evidence you want to file now? A No sir.

A reasonable time will be allowed this applicant in which to offer other evidence that he desires in support of the application he makes for identification as a Mississippi Choctaw.

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes and medium fair complexion. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Q Is there any other statement that you would like to make?

A Well I think that the Allen name is on the tribal rolls.

Q Is that what you want to say? A Yes sir.

Q Do you know whether it is or not? A Yes it is on the roll.

Q On what tribal roll do you mean? A On the Mississippi Choctaw roll.

Q Is it on Ward's register or on the lists made by the Commission of 1837 or 1842? A I don't know.

These lists will be examined.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 23rd 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

Subscribed and sworn to before me this 7th day of December 1901

Clara Mitchell Wood
Notary Public.

Ward's register of names of Choctaws, who within six months from the ratification of the treaty of 1830 appeared before him and signified their intention of remaining and taking advantage of the provisions of article fourteen of the treaty of 1830, examined and the name "Allen" not found thereon.

Lists of names of claimants under article fourteen, of the treaty of 1830, whose claims were allowed by Commissioners, appointed under acts of Congress of March 3, 1837 and August 23, 1842, examined and the name "Allen" not found thereon.

Muskogee, Indian Territory, November 19, 1901.

Alfred G. Roberson,
Commerces, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 11, with which you inclose marriage license between John J. Roberson and Frances E. Spurlin, your father and mother, which you offer for filing in support of your application for identification as a Mississippi Choctaw. The same has been duly filed and made a part of the record in this case.

Yours truly,

Acting Chairman.

MC 3808

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3898

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

Muskogee, Indian Territory, December 6, 1902.

Alfred H. Roberson,

Commerce, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3788
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3765
Isaac B. Allen, et. al.,	M C R 3844
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3829
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3771
Mary M. Waldrop, et. al.,	M C R 3773
Alfred J. Roberson,	M C R 3808
Elizabeth I. McMahan, et. al.,	M C R 3774
John A. Waldrop,	M C R 3847
Achille A. Waldrop,	M C R 3848
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3846
Dixon G. Spurlin,	M C R 3846

These applications were made under the provision of the Act of Congress of June 28, 1898. (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Da Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Liana B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth L. McMahan, Alfred Franklin Waldrop, Zoma L. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Acting Chairman.

Registered.

COMMISSIONERS.
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NEVER IN REPLY TO THE FOLLOWING

M.C.R. 3808

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

W. O. B.
Muskegee, Indian Territory, March 24, 1903.

Alfred J. Roberson,
Commerce, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,


Chairman.

RECEIVED
FIVE CIVILIZED TRIBES
PAID
JAN 22 1903

Unclaimed.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



4874



Alfred J. Roberson

Commissioner

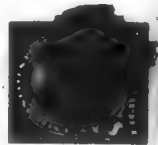
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3808



DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 2 1903

A handwritten signature in dark ink, appearing to be "T. J. [unclear]".

CHAS. MAX.

3-26-03

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICE OF BUSINESS.

Penalty for private use, \$300.

Alfred J. Roberson
Commercial
Texas



No. 3808

For Identification as a Mississippi Choctaw.

Date OCT 23 1901

Name Alfred J. Robinson

Age 22 - Blood 1/2

Post Office, Commerce, Texas.

Father: John J. Robinson. l

Mother: Frances E. " d

Claims through mother - -

~~Wm. J. Robinson~~

Claims for self alone

Enographer J. R. Rammert

Choctaw MCR 3809

John W. Seago

See MCR 3810, 3811, 3812
3813, 3814, 3815, 4017, 4018
5343

MCR 3809

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 23, 1901.

3809

In the matter of the application for identification as Mississippi Choctaws of John W. Seage and his five minor children William Eddie, Bessie L., Ernest, Berdie and Nina Seage.

B. S. Johnson attorney representing applicants.

John W. Seage being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John W. Seage.
Q How do you spell that last name? A S-e-a-g-e.
Q What is your age? A Thirty-six.
Q What is your post-office address? A Gunter, Texas.
Q How long have you lived in Gunter? A It has been three years in November.
Q Where were you born? A In West Tennessee.
Q What place? A In Henderson County.
Q You lived in West Tennessee how long? A About two years.
Q Then your parents removed to what state? A To Arkansas.
Q And lived in Arkansas how long? A About twenty-eight or nine years.
Q And then you went where? A Texas.
Q And have lived there ever since? A Yes sir.
Q In different places in Texas? A Yes sir.
Q What is your father's name? A John Seage.
Q Is he living? A No sir.
Q Is your mother living or dead? A Dead.
Q What is her name? A Rebecca Ann Seage.
Q You claim through which parent, father or mother? A My mother.
Q How much Choctaw blood do you claim through her? A About one-eighth I suppose.
Q Can you say positively how much? A Well I don't know, we get some on my father's side.
Q Well do you claim through your father also? A No not my father's side.
Q You said your mother, now do you mean your mother and father?
A It is my mother, my father did not have any.
Q And you think one-eighth? A That is the closest I can get to it.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q When and where were your father and mother married? A In Mississippi.
Q When do you know? A Forty odd years ago.
Q Where in Mississippi were they married? A I don't know.
Q Have you any proof of their marriage with you at this time? A Not with me.
Q Do you think you can introduce evidence of their marriage if given time? A Yes sir.

A reasonable time will be allowed this applicant in which to introduce such evidence.

- Q Are you married? A Yes sir.
- Q What is your wife's name? A Melissa A. Seage.
- Q Is she a white woman or Indian? A White woman I suppose.
- Q You don't make any claim for her? A No sir.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes sir I have five.
- Q What is the name of the oldest? A William Eddie.
- Q How old is he? A About twelve.
- Q Next? A Bessie L.
- Q How old is she? A She is ten.
- Q Next? A Ernest
- Q How old is Ernest? A He is eight.
- Q Next? A Bertie.
- Q Boy or girl? A Girl.
- Q How old is she? A She is about four.
- Q Next? A Wima.
- Q Girl? A Yes sir.
- Q How old is Wima? A She is about two.
- Q Is Melissa A. Seage the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q You claim for yourself and them? A Yes sir.
- Q When and where were you married to your wife Melissa? A Arkansas.
- Q When and at what time? A Boone County, the 14th of July 1887 or 1888 one.
- Q Have you your marriage license and certificate with you? A I have them at home.
- Q Can you produce them? A Yes sir.
- Q Were you married by a minister or official? A Justice of the Peace.
- Q Was your wife ever married before she married you? A No sir.
- Q You ever married before? A No sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for yourself and children for enrollment as members of the Choctaw tribe of Indians to the Choctaw tribal authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the Act of Congress of June 10th 1896? A No sir.
- Q Have you or your children been admitted as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Is this the first application of any kind that you have ever made for yourself and children for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I could not say that I thoroughly understand it.
- Q But you have got some idea of it? A Yes sir.
- Q In order that you may understand it thoroughly an explanation will be given.

The treaty of 1830 was made between the Choctaw Indians living in Mississippi and Alabama, in what constituted the old Choctaw Nation, at a place called Dancing Rabbit Creek on the 27th day of September 1830 and was made for the purpose of removing all of the Choctaw Indians from the old Choctaw Nation in Mississippi

and Alabama to the New Choctaw Nation, Indian Territory. The reason why the government desired to remove the Indians from the old Nation to the New was that in the New Nation they might have more liberty in their tribal government and live under the protection of the United States government and not be interfered with by white people or anybody else, but, before the treaty was signed it became positively known that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians to preferred to stay back in the old Choctaw Nation in Mississippi and Alabama article fourteen was put into the treaty. Article fourteen was put into the treaty for the especial benefit of those Indians who remained back there in the old Choctaw Nation and they are now known as Mississippi Choctaws. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that article of that treaty? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830 as read and explained to you? A My great grandmother did.
- Q What was her name? A Rebecca Bond.
- Q How much Choctaw blood did she have? A Well about three-quarters or perhaps full.
- Q You don't know which? A I could not say which.
- Q Did she live in Mississippi in 1830? A I suppose so.
- Q Do you know sure that she did? A I have not got any history from her anywhere else.
- Q Is that family history? A Yes sir.
- Q You claim through your mother? A Yes sir.
- Q What was her maiden name? A Rebecca McCoy.
- Q She claimed through which parent father or mother? A Mother.
- Q Her mother's name was what? A Martha Bond.
- Q She claimed through which parent? A Mother.
- Q What was her name? A Rebecca Bond.
- Q You know anything about Rebecca Bond's father or mother? No sir.
- Q Did Rebecca Bond claim through her father or mother? A I don't know through which.
- Q Then as far back as you can go is Rebecca Bond? A Yes sir.
- Q Did she speak the Choctaw language? A I suppose so. The best history I have gave it as that she did.
- Q What is your information that she could speak the Choctaw language? A I got it with some evidence.
- Q From members of the family? A No sir outside evidence.

- Q When did your mother die? A She died August 22, 1885.
 Q How old was she when she died? A She was forty-two I think.
 Q Is she would be living now she would not be less than sixty years old? A Yes sir.
 Q Where was she born? A She was born in Mississippi about sixty or sixty-two years ago.
 Q She claimed through which parent? A Her mother.
 Q Was her mother living in Mississippi at that time? A Yes sir.
 Q By your relatives or kin folks living in Mississippi I mean your ancestors from Rebecca Bond down? A Yes sir.
 Q Was Rebecca Bond living in Mississippi in 1830? A Yes sir.
 Q Did she have a family there at that time? A Yes sir.
 Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 that you ever heard of? A Well that comes in in that evidence again.
 Q What do you know about it? A I have evidence that she did.
 Q You don't know anything about it yourself personally? A No sir.
 Q Did any of your Choctaw ancestors go to the United States Indian Agent within six months after the ratification of this treaty of 1830 and tell the United States Indian Agent Colonel Ward that they intended to stay in Mississippi and take land there. Do you know from your own personal knowledge or family history or tradition? A I suppose they did through history.
 Q You think you can establish that by evidence you intend to present? A Yes sir.
 Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under article fourteen of the treaty of 1830? A Yes sir.
 Q What evidence or proof can you show of that fact? A Well I find that on the roll.
 Q Do you intend to submit evidence tending to show that? A Yes sir.
 Q Yes sir and I have also got one witness.
 Q Is that witness here? A Not to day.
 Q

By attorney.

This witness is about 100 hundred years old and I don't know whether we can get him here or not. We are trying to identify these people as descendants of Rebecca Bond.

By the Commission.

- Q Did any of your Choctaw ancestors ever receive or claim any benefits under any other article than article fourteen or under the supplement of that treaty? A Not that I have any history of.
 Q

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government directed the Indian Agent in Mississippi to register the names of all these Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the government show that this Agent failed to record the names of many Choctaws who really did signify their intention of remaining in Mississippi and take advantage of article fourteen of the treaty of 1830. In consequence of this the land of many Indians was sold by the government at its public land sales. This action by the government caused many complaints on the part of the Choctaws and finally the matter was brought to the attention of Congress and Congress in 1837 appointed a Commission whose duty it should be to go into Mississippi and investigate claims under article fourteen and make lists of successful claimants who came before them. In 1842

- Q Now then your information about your Indian blood has been handed down to you by your ancestors who are dead and by other persons that you have talked to? A Yes sir.
- Q Well he asked you about your ancestors living in Mississippi and you said you supposed so. You mean that they lived and died there? A Yes sir.
- Q You know that to be a fact? A Yes according to the way it has been handed down to me.
- Q They are your relatives who are applying here for citizenship? A It is my brothers and sisters.
- Q Call their names? A J. T. Seage, Theodosia Seage, and Z. K. Seage and Mary Ann Cheatham, that is all. There are five of us my brothers and sisters. I have two nephews and one niece.
- Q Give me the names of them? A Albert Cheatham, Walter Cheatham and Ollie Lattimer. That is all.
- Q Do you know whether or not any of the McCoy relatives are living in the Indian Territory and if any of them are Indians or anything of that kind. Have you any relatives that are enrolled as Indians living in the Indian Territory? A Yes sir.
- Q What is there names? A McCoy.
- Q Where does he live? A I believe in the Cherokee Nation.
- Q Do you know them? A Only through hearsay.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage. Brown eyes, medium dark complexion, dark brown ~~straight~~ hair and brown mustache. He has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830 and has no knowledge of the Choctaw language.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 23rd 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 7th day of December 1901.

Charles Mitchell Wood

Notary Public.

44.
C.x.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John W. Seago,
et al., for identification as Mississippi Choctaws,
consolidating:

John W. Seago, et al.,	M.C.R. 3809
Theodosia C. Seago, et al.,	M.C.R. 3810
James T. Seago, et al.,	M.C.R. 3811
Zedekiah Seago,	M.C.R. 3812
Albert Cheatham,	M.C.R. 3813
Walter Cheatham,	M.C.R. 3814
Ollie Latimer,	M.C.R. 3815
Mary A. Cheatham, et al.,	M.C.R. 4017
Alpha May Morrison, et al.,	M.C.R. 4018
Mary Susan Kilam, et al.,	M.C.R. 5343

D E C I S I O N

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by John W. Seago for himself and his five minor children, William Eddie, Bessie L., Ernest, Bertie and Mima Seago; by Theodosia C. Seago for herself and her minor child, Hester Seago; by James T. Seago for himself and his three minor children, Bertha, Archie and Troy Seago; by Zedekiah Seago for himself; by Albert Cheatham for himself; by Walter Cheatham for himself; by Ollie Latimer for herself; by Mary A. Cheatham for herself and her four minor children, John W., James E., Georgia E. and Mary Ann Cheatham; by Alpha May Morrison for herself and her two minor children, Etolia and John E.

Morrison, and by Mary Susan Milan for herself and her four minor children, Willie, Jimmie, Ury and Mattie Flinnie Milan, under the following provision of the act of Congress approved June 28, 1898, (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Martha McCoy (nee Bond) who is alleged to have been an one half blood Choctaw Indian, and to have resided in Mississippi in 1830.

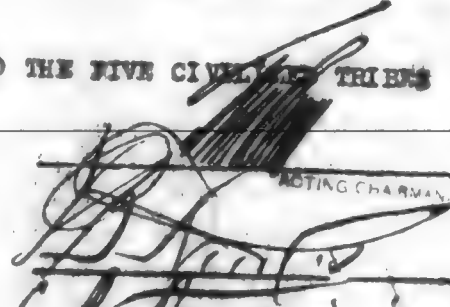
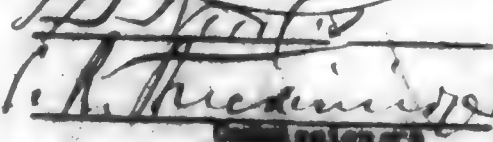
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321.)

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied

or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Martha McCoy, (nee Bond) or any of the applicants herein, signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Seago, William Eddie Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Nina Seago, Theodosia C. Seago, Haston Seago, James T. Seago, Bertha Seago, Archie Seago, Troy Seago, Zedekiah Seago, Albert Cheatham, Walter Cheatham, Ollie Latimer, Mary A. Cheatham, John W. Cheatham, James E. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alpha May Morrison, Etolia Morrison, John E. Morrison, Mary Susan Milan, Willie Milan, Jimmie Milan, Ury Milan and Mattie Flinnie Milan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVIL TRIBES


ACTING CHAIRMAN

COMMISSIONER

Muskogee, Indian Territory

JUN 4 1902

Muskogee, Indian Territory, November 18, 1901.

B. S. Johnson,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant enclosing certified copy of the marriage license and certificate between John W. Seago and M. A. Springer offered by you for filing in support of the application of said Seago for the identification of himself and his minor children as Mississippi Choctaws.

You are informed that the same has this day been filed with the other records in the case and will receive the consideration of the Commission in the disposition of the claim of these persons as Mississippi Choctaws.

Yours truly,

M. C. 3809

Acting Chairman.

M C R 3809
COPY.

Muskogee, Indian Territory, June 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John W. Seago, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 4th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

John W. Seago, et al.,	M C R 3809
Theodore C. Seago, et al.,	M C R 3810
James T. Seago, et al.,	M C R 3811
Isiah Seago,	M C R 3812
Albert Cheatham,	M C R 3813
Walter Cheatham,	M C R 3814
Ollie Latimer,	M C R 3815
Mary A. Cheatham, et al.,	M C R 4017
Alpha May Morrison, et al.,	M C R 4018
Mary Susan Wilson, et al.,	M C R 4343

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations

Secretary of the Interior, —S.

COPY.

have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tame Dixey.

Acting Chairman.

Through the Commissioner of
Indian Affairs.

1 enclosure.

COPY.

M C R 13009.

Muskogee, Indian Territory, June 8, 1903.

John W. Seago,

Gunter, Texas.

Dear Sir:

You are hereby advised that on the 4th day of June, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Seago, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Seago, et al.,	M C R 13009
Theodora G. Seago, et al.,	M C R 13010
James T. Seago, et al.,	M C R 13011
Zedekiah Seago,	M C R 13012
Albert Cheatham,	M C R 13013
Walter Cheatham,	M C R 13014
Ollie Latimer,	M C R 13015
Mary A. Cheatham, et al.,	M C R 13017
Alpha May Morrison, et al.,	M C R 13018
Mary Susan Milam, et al.,	M C R 13043

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

J V S-----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John V. Seago, William Eddie Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Mima Seago, Theodosia G. Seago, Hester Seago, James T. Seago, Bertha Seago, Archie Seago, Troy Seago, Seckiah Seago, Albert Cheatham, Walter Cheatham, Ollie Latimer, Mary A Cheatham, John V. Cheatham, James E. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alpha May Morrison, Etelle Morrison, John E. Morrison, Mary Susan Milam, Willie Milam, Jimmie Milam, Ury Milam and Hattie Flinnie Milam as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Samuel D. Dwyer*

Acting Chairman.

Registered.

COPY. H S R 3808

Muskogee, Indian Territory, June 5, 1902.

E. S. Johnson, Attorney at Law,
Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Seago, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Seago, et al.,	H C R 3808
Theodosia G. Seago, et al.,	H C R 3810
James T. Seago, et al.,	H C R 3811
Ezekiah Seago,	H C R 3812
Albert Cheatham,	H C R 3813
Walter Cheatham,	H C R 3814
Ollie Lattier,	H C R 3815
Mary A. Cheatham, et al.,	H C R 4017
Alpha May Morrison, et al.,	H C R 4018
Mary Susan Milam, et al.,	H C R 5343

These applications were made under the provision of the act of Congress of June 28, 1902, (30 Stat., 425) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

B.S.J., 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Seago, William Eddie Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Nina Seago, Theodosia O. Seago, Easton Seago, James T. Seago, Bertie Seago, Archie Seago, Troy Seago, Zelekiah Seago, Albert Seago, Walter Cheatham, Ollie Latimer, Mary A. Cheatham, John W. Cheatham, James E. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alma May Morrison, Stolia Morrison, John E. Morrison, Mary Susan Miller, Willie Lilen, Jimmie Wilam, Mary Miller and Mattie Flinnie. It is the opinion of this Commission that the Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Harold Dickey

Acting Chairman.

Reprint of 1.

COPY. M C R 3809

Muskogee, Indian Territory, June 5, 1902.

Messrs Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Seago, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Seago, et al.,	M C R 3809
Theodosia G. Seago, et al.,	M C R 3810
James T. Seago, et al.,	M C R 3811
Zedekiah Seago,	M C R 3812
Albert Cheatham,	M C R 3813
Walter Cheatham,	M C R 3814
Ollie Latimer,	M C R 3815
Mary A. Cheatham, et al.,	M C R 4017
Alpha May Harrison, et al.,	M C R 4018
Mary Susan Milan, et al.,	M C R 4543

These applications were made under the provision of the act of Congress of June 26, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

N. K. & N. - 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Seago, William Eddie Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Nina Seago, Theodosia G. Seago, Hester Seago, James D. Seago, Bertha Seago, Archie Seago, Troy Seago, Zelekiah Seago, Albert Cheatham, Walter Cheatham, Ollie Latimer, Mary A. Cheatham, John V. Cheatham, James E. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alpha May Morrison, Stella Morrison, John E. Morrison, Mary Susan Milan, Willie Milan, Jimmie Milan, Ury Milan and Hattie Plinnie Milan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED.

Tame Dixey.

Registered.

Acting Chairman.

COPY.

A.O.I. 2002

Muskogee, Indian Territory, August 14, 1902.

John V. Seago,
Center, Texas.

Dear Sir:

You are hereby advised that on the 2nd day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John V. Seago, et al., of which decision you were advised by registered mail on the 8th day of June 1902.

Yours truly,

(SIGNED)

John V. Seago

Acting Chairman.

COPY

M.C.N. 8807

McKague, Indian Territory, August 23, 1902.

B. S. Johnson,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John V. Seage, et al., of which decision you were advised by registered mail on the 5th day of June, 1902.

Yours truly,

(SIGNED)

Tame Dixby

Acting Chairman.

COPY.

M.C.N. 5809

Muskogee, Indian Territory, August 13, 1902.

Manfield, McMurray & Gernish,
Attorneys for the Cheatew and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheatews of the several persons included in the consolidated case of John W. Seage, et al., of which decision you were advised by letter of the 8th day of June, 1902.

Yours truly,

SIGNED:

James D. Dwyer.

Acting Chairman.

M C R 3809
M C R 4018

Muskogee, Indian Territory, March 9, 1906.

Treadwell, Lucas & Young,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 3rd instant, requesting to be advised if the consolidated Mississippi Choctaw case of John W. Seago, et al., of which the application of John E. Morrison is a part, can be reopened. You state that the applicants claim to have discovered some new evidence which they desire to submit in support of their claims.

In reply you are informed that motions for rehearings are only granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied with the provisions of the 14th article of the Choctaw treaty of September 27th, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In

T L & Y 2

some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Acting Commissioner.

REFER TO M. C. R. 3809

John W. Seagraves

Consolidated Case

Rebecca Bond, $\frac{3}{4}$ or full?
husband
John Bond ?



Martha Bond, $\frac{1}{2}$?
married
Callaway McCoy 1

Rebecca McCoy, $\frac{1}{4}$ Dead
married
John Seago, Dead

mek
4017
Mary Ann Seago, 40. 18
married
E. C. Cheatham

mek
3809
John W Seago, 36. 18
wife
Melissa A Seago

mek
3810
Theodosia C. Seago, 32. 18

mek
3811
James T. Seago, 29. 18
wife
Carrie Seago

mek
3812
Zedekiah Seago, 21. 18

mek
4018
Alpha May Cheatham, $\frac{1}{16}$ 23
married
George Morrison

mek
3813
Albert Cheatham, 21. 16

mek
3814
Walter Cheatham, 18. 16
wife
Annie Cheatham

mek
3815
Ollie Cheatham 16. 16

mek
4019
John Latimer
married

mek
4019
John W Cheatham, 14

" James E Cheatham, 12

" Georgia E Cheatham, 9

" Mary Ann Cheatham, 7

mek
3804
William Eddie Seago, 12

" Bessie L Seago, 10

" Ernest Seago, 8

" Bertie Seago, 4

" Mina Seago, 2

* mek
3800
Haston Seago, 12

*
Illegitimate child -
Name of father "James Johnston"

mek
3811
Bertha Seago, 4

Archie Seago, 2

Troy Seago, 1

mek
4015
Estolia Morrison, 2
John E. Morrison, 1

Rebecca Bond, full
husband
John Bond "

Martha Ann Bonds, "
mar
Calvin McCoy

Mary Susan Milam, "
mar
John Milam, "

N. E. Pearson
mar
J. W. Pearson

L. Sikes
mar
Ed. Sikes

Nellie Milam "
Jimmie " "
Hef " "
Hattie Himm "

No. 3809

For Identification as a Mississippi Choctaw.

Date

OCT 23 1901

Name

John W. Seago

Age

36

Blood

1/8

Post Office,

Gunter, Texas,

Father;

John Seago, d

Mother:

Rebecca A " d

Claims through

mother -

wife. Melina A. Seago, w,

No claim for wife.

Children:

William E. Seago, 12

Bessie L, " 10

Ernest " 8

Bertie (que) " 4

Mima (") " 2

Claims for self &
children -

Stenographer

G. R. R. R. R. R.

Choctaw MCR 3810

Theodosia C. Seago

See MCR 3809

MCR 3810

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 23, 1901.

3810

In the matter of the application for identification as Mississippi Choctaws of Theodosia C. Seago and her minor child Hasten Seago.

Applicant represented by attorney B. S. Johnson.

Theodosia C. Seago being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Theodosia C. Seago.
Q What is your age? A Thirty-two.
Q What is your post-office address? A Gunter.
Q Texas? A Yes sir.
Q How long have you lived at Gunter? A Three years.
Q Where did you live before that? A I lived in Southern Texas.
Q Where were you born? A In South Arkansas, Jackson County.
Q How long did you live there? A Two years.
Q And then went to? A Boone County.
Q And lived there? A Until six years ago.
Q And then went where? A To Southern Texas.
Q And lived there until you went to Gunter? A Yes sir.
Q What is your father's name? A John Seago.
Q Is he dead? A Yes sir.
Q What is your mother's name? A Rebecca Ann Seago.
Q She is dead too? A Yes sir.
Q Through which of your parents do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A About one-eighth.
Q As near as you can get to it? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A Not that I have any history of.
Q Can you tell when and where your father and mother were married? A In Mississippi but I can't tell you the year.
Q Have you any evidence of their marriage with you? A No.
Q You think you can get such evidence? A Yes it is on the record.

A reasonable time will be allowed you in which to do so.

- Q Are you married? A No sir.
Q Have you ever been married? A No.
Q Have you any children that you want to apply for? A Yes one.
Q What is that child's name? A Hasten Seago.
Q How old is he? A Twelve years old.
Q What is his father's name? A Dennis Johnston.
Q Is he a white man? A Yes sir.
Q And this son claims no Choctaw blood through his father? A No sir.
Q Are you claiming then for yourself and this child? A Yes sir.
Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation for yourself and this son?
A No sir.
- Q Did you ever make application for yourself and son for citizenship in the Choctaw Nation ~~xxx~~ to the Commission to the Five Civilized Tribes under the act of Congress of June 10th 1836?
A No sir.
- Q Were you ever admitted, or your son, to citizenship in the Choctaw Nation ~~xx~~ by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for yourself and son either to the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified, yourself and your son, claiming as beneficiaries under article fourteen of the treaty of 1830? A Yes sir.
- Q You understand that article? A I don't think I do.
- Q You have heard it read and explained did you? A Yes sir.
- Q Would you like to have a further explanation? A I don't know whether I would understand it then.
- Q You know what a treaty is? A I don't know.
- Q You know what an agreement is? A Yessir.
- Q Well a treaty is in writing and it is an agreement between two or more nations instead of between people and because it is a compact in writing and between Nations it is called a treaty. Now you understand what a treaty is? A Yessir.

In 1830 such a treaty was made between the United States government and the Choctaw tribe of Indians who lived in Mississippi and Alabama at that time. The object of that treaty was to secure the removal of all the Choctaw Indians from the Country then occupied by them, the old Choctaw Nation, to the New Choctaw Nation Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians, this fourteenth article was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove re not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
- Q Did any of your ancestors comply or attempt to comply with the provisions of article fourteen as read to you to your knowledge? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified? A My grandmother Rebecca McCoy.
- Q Are you a descendant of Rebecca Bond? A Yes sir.
- Q You are related to John W. Seago? A Yes I am his sister.
- Q You want his testimony taken into consideration when your case is taken up? A Yes sir.
- Q How much Choctaw blood did Rebecca Bond have? A About three quarters or probably full blood.
- Q You don't know exactly? A No sir.
- Q Did she have any Choctaw Name? A I don't know whether she did or not.
- Q Did she live in Mississippi in 1830? A Yes.
- Q Have a family there at that time? A Yes sir.
- Q You claim through your mother? A Yes sir.
- Q When did she die and where? A In Arkansas.
- Q How long ago? A Thirteen years ago.
- Q At what age? A Forty-two.
- Q If she were living now, she would be fifty-five years old? A Yes sir.
- Q Was she born in Mississippi? A Yes sir.
- Q What was her mother's name? A Bond.
- Q What her first name? A Rebecca?
- Q Her mother's name was Rebecca A. Bond? A No Rebecca A McCoy.
- Q She claimed through which parent father or mother? A Mother.
- Q What was her mother's name? A Her mother's name was Martha Bond
- Q And she claimed through which parent? A Mother.
- Q Rebecca? A Yes sir.
- Q Did they all live in Mississippi? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A My great grandmother did.
- Q You think you can prove that? A Yes I think I can.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the New Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they intended to remain in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors own any land in Mississippi or receive any from the government as Choctaw Indians under article fourteen of the treaty of eighteen hundred and thirty? A I don't know.
- Q Did the receive any land or benefits or claim any under any other article than article fourteen or under the supplement of that treaty? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of eighteen hundred and thirty the government directed the United States Indian Agent who lived in Mississippi at that time to make a list of all Choctaw Indian claimants who came before him within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States. This United States Indian Agent made a very incomplete list which contains the names of only a few of those who complied with the provisions of article fourteen in regard to making declarations to the Indian Agent within six months after the ratification of the treaty of 1830 and as the result of this neglect a great many

Indians who had land in Mississippi had their land taken from them by the government and sold. This caused many complaints among the Indians, so that Congress in 1837 appointed a Commission which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of successful claimants. In 1842 another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors appear before either of these Commission that of 1837 or the Commission of 1842 and attempt to establish their rights under article fourteen of that treaty?
I don't know whether they did or not.

The act of congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and that his land had been taken from him by the government he should be entitled to select land elsewhere, either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government land and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your ancestors receive any of this scrip from the government as Choctaw Indians? A I don't know.
Q Have you any documentary evidence you want to introduce now?
A Yes sir.

The application of Theodosia Seage presented by her, received filed, marked exhibit "A" and made a part of the record in this case.

A reasonable time will be allowed this applicant in which to offer any further evidence if she desires to do so also proof of the marriage between her father and mother.

- Q Do you speak Choctaw? A No sir.
Q Is there anything more that you want to say in support of your claim? A No sir.
Q Do you want the testimony of your relatives who have, or who intend, to day make application for identification as Mississippi Choctaws and who claim through Rebecca Bond taken into consideration when your case is taken up in order that you may get the benefit of what they have testified to? A Yes sir.

The applicant has the appearance and physical characteristics of being descended from white parentage. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 23rd 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

Subscribed and sworn to before me this 7th day of December 1901,

G. Rosenwinkel
W. Campbell
Notary Public.

COPY. M C R 3810

Muskogee, Indian Territory, June 5, 1902.

Theodosia G. Seago,
Gunter, Texas.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Seago, et al., embracing the following applications for identification as Mississippi Choctaws:

John F. Seago, et al.,	M C R 3809
Theodosia G. Seago, et al.,	M C R 3810
James T. Seago, et al.,	M C R 3811
Ezekiah Seago,	M C R 3812
Albert Cheatham,	M C R 3813
Walter Cheatham,	M C R 3814
Ollie Latimer,	M C R 3815
Mary A. Cheatham, et al.,	M C R 4017
Alpha Ray Morrison, et al.,	M C R 4018
Mary Susan Milan, et al.,	M C R 5343

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 485) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Seago, William Eddie Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Nina Seago, Theodosia G. Seago, Hoston Seago, James T. Seago, Bertha Seago, Archie Seago, Troy Seago, Sedekiah Seago, Albert Cheatham, Walter Cheatham, Ollie Latimer, Mary A. Cheatham, John W. Cheatham, James H. Cheatham, Georgia H. Cheatham, Mary Ann Cheatham, Alpha May Morrison, Etolia Morrison, John E. Morrison, Mary Susan Milam, Willie Milam, Jimmie Milam, Dry Milam and Hattie Plimmie Milam as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James D. Dwyer

Acting Chairman.

Registered.

COPY.

M.C.R. 3610

Muskogee, Indian Territory, August 23, 1902.

Theodore C. Seage,

Quincy, Texas.

Dear Madam:

You are hereby advised that on the 2nd day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Miskiee and Shootawa of the several persons included in the consolidated case of John W. Seage, et al., of which decision you were advised by registered mail on the 6th day of June, 1902.

Yours truly,

W. H. H. H.

Acting Chairman.

No. 3810

For Identification as a Mississippi Choctaw.

~~DOT~~ 21 10

Date
Name *Theodosia C. Seago*

Age *33* Blood *1/8*

Post Office, *Gunter, Texas.*

Father: *John Seago.* *d/*

Mother: *Rebecca A.* *d*

Claims through *mother*

Children:

Houston Seago, 12
father.

Dennis Johnston, w.

Claims for self and
child.

Stenographer *G. R. R. R. R. R.*

Choctaw MCR 3811

James T. Seago

See MCR 3809

MCR 3811

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. October 23, 1901.

3811

In the matter of the application for identification as Mississippi Choctaws of James T. Seago and his three minor children, Bertha, Archie and Trey Seago.

B. S. Johnson attorney representing applicants.

James T. Seago being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James T. Seago.
Q What is your age? A Twenty-nine.
Q What is your post-office address? A Day, Texas.
Q How long have you lived at Day? A I have lived there about three years.
Q Where before that? A In Southern Texas two years.
Q Then where? A The rest of my life in Arkansas.
Q What place? A In Boone County.
Q What is your father's name? A John Seago.
Q He is dead? A Yes sir.
Q Your mother dead? A Yes sir.
Q What was her name? A Rebecca Ann Seago.
Q You claim your Choctaw blood through which parent? A My mother.
Q How much do you claim? A About one-sixteenth I reckon.
Q Your brothers and sisters have claimed one-eighth. Do you know how much you claim? A My great grandmother was supposed to be three quarters or probably full.
Q Well you see that is indefinite, if full she would not be three quarters and if three quarters she would not be full and you cannot be neither one or the other unless you are sure? A I am not positive.
Q Well you think what, your best knowledge is what? A I think about one-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
Q Have you proof of the marriage of your father and mother? A No sir.
Q You know when and where they were married? A In Mississippi.
Q Where in Mississippi? A I don't know.
Q When? A I don't know.

A reasonable time will be allowed this applicant in which to introduce proof of the marriage of his father and mother.

- Q Are you married? A Yes sir.
Q What is your wife's name? A Carrie Seago.
Q Is she a white woman or an Indian? A She is a white woman.
Q You make my claim for her? A No sir.

- Q Have you any children that you wish to make application for?
 A I have three.
 Q What is the name of the oldest? A Bertha.
 Q How old is Bertha? A She is about four years old.
 Q Next? A Archie.
 Q How old? A About two years old.
 Q Next? A Troy.
 Q Boy or girl? A Boy.
 Q How old? A About one year old.
 Q Is that all? A Yes sir.
 Q You claim for yourself and these children? A Yes sir.
 Q When and where were you married to your wife Garrie? A In Boone County, Arkansas.
 Q What date? A I don't believe I can give you the date.
 Q What year? A It was in ninety-six.
 Q By a minister and under a license? A Yes sir.
 Q Have you the marriage license and certificate or other proof of your marriage? A Not with me.
 Q Can you produce it? A Yes sir.

You will be given a reasonable time to do so.

- Q Were you ever married previously to your marriage to your wife Garrie? A No sir.
 Q Was she ever married before she married you? A No sir.
 Q You are the father of these children? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
 Q Have you made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10th 1896? A No sir.
 Q Is this the first application you have ever made for citizenship in the Choctaw Nation for yourself and your children to either the Choctaw tribal authorities or the United States authorities? A Yes sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Do you now come before the Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
 Q You understand that article? A Only what I have heard you explain this morning?
 Q You want it further explained or read to you? A I don't think I understand it thoroughly.
 Q Well I will give you an explanation of it so that you may understand it.
 Q Do you understand what that treaty is? A Yes it is an agreement between two governments, I understand it.

Well in 1830, seventy-one years ago, such an agreement was made between the Choctaw Indians who lived Mississippi and partly in Alabama in the old Choctaw Nation and the United States government. It was made for the purpose of getting all of the Choctaw Indians who lived in the old Choctaw Nation to leave that old Choctaw Nation and come to the new Choctaw Nation, to this Choctaw Nation, in the Indian Territory.

- Q Now that is explain? A Yes I understand that.

Now some would not come; they said they would not, and would not be a party to that contract or treaty. The government desired to make some provision for them in that treaty and so they said to them "we will put an article in that treaty which article shall protect your interests" so that this treaty would be signed and ratified. So article fourteen was put into this treaty and that article was satisfactory to these Indians who stayed back there in the old Choctaw Nation and was satisfactory to those Indians who came to this present Choctaw Nation afterwards and it was satisfactory to the government.

Now article fourteen provided for the Choctaw Indians who stayed back there in the old Choctaw Nation in this way; it said that they might remain in the old Choctaw Nation and might select land there and live upon that land and if they lived upon it for five years they would get a title to it from the government but they must in order to live in Mississippi and take land there become citizens of the United States, that is, they must go to the Indian Agent whose name was Colonel Ward at his office and tell him that they wanted to stay in Mississippi and did not want to go to the Indian Territory, that they wanted to take land there in Mississippi and become citizens of the United States. This they must have done within six months after that treaty was ratified.

Q Now that is all plain? A Yes sir.

A good many did that. Those Indians who did it might afterwards if they wished any time afterwards leave the old Choctaw Nation Mississippi or Alabama and go to the New Choctaw Nation Indian Territory and become citizens of it, and get land like any other citizen of the Choctaw Nation but it was necessary that they satisfied the proper authority that they done these things required by article fourteen, that they had gone to the Agent and told him that they wanted to stay there and become citizens of the United States. When I ask you the question did any of your ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of eighteen hundred and thirty I mean just that.

Q Did any of your ancestors or forefathers do these things which I have just described for you as being necessary under article fourteen? A No sir.

Q You never heard that any of your ancestors way back in the thirties did these things? A No sir I don't know.

Q What is the name of your ancestor who lived in Mississippi in 1830 through whom you claim your right to be identified? A Rebecca Bond.

Q What kind was she to you? A My great grandmother.

Q You claim through your mother? A Yes sir.

Q She claims her Choctaw blood? A Through her mother.

Q What was her mother's name? A Rebecca McCoy.

Q Are you talking about your mother? A I was talking about mine.

Q Your mother's name is Rebecca Sengo, and her maiden name Rebecca A. McCoy? A Yes sir.

Q She claimed through which parent? A Mother.

Q What was her mother's name? A Her married name was Galloway.

Q What was her maiden name? A Martha Bond.

Q She claimed through which parent father or mother? A Mother.

Q And what was mother's name? A I don't know.

Q Where does Rebecca Bond come in then, your great grandmother? A Rebecca Bond?

Q Did you ever hear of her? A Yes sir.

- Q Tell me about her. You know more of your relatives than I do?
 A I don't know anything about them only what I have been taught.
- Q Well tell me what you have been taught about Rebecca Bond? A She was my great grandmother.
- Q What was her daughters name? You said something about Martha Bond, I don't know who she is? A She was a McCoy after she was married.
- Q Did these ancestors live in the State of Mississippi? A Yes sir
- Q All of them lived and died there? A To the best of my knowledge.
- Q Were they ever recognized members of the Choctaw tribe of Indians in Mississippi or Alabama? A I don't know whether they were or not.
- Q Was Rebecca Bond or her daughter or any of your Choctaw ancestors heads of families in Mississippi in 1830? A Yes I suppose so.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 to your knowledge? A Yes I think they did.
- Q Who owned improvements on land there? A My great grandmother owned land there.
- Q How do you know that she owned improvements on land in Mississippi in 1830? A I don't only by what I have been told.
- Q Who told you? A That is what I have been taught by the Generation.
- Q Who are they? A By my mother.
- Q Anybody else? A No.
- Q Where was this land situated in Mississippi that Rebecca Bond had improvements upon? A I don't know.
- Q Did any of your Choctaw ancestors claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did they claim any land or any benefits under any other article than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of them go from Mississippi or Alabama with the other Indians to the New Choctaw Nation Indian Territory between 1833 and 1838? A No sir I believe not.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed the Agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of that State. The records of the government show that this Agent failed to record the names of many Choctaws who really signified their intention of remaining in Mississippi and taking land there under article fourteen of the treaty. This action on the part of the Indian Agent caused many Indians who had land in Mississippi upon which they owned improvements to lose both that land and the improvements it was taken from the by the government and sold at the public land sales. This caused many complaints among the Choctaws so that Congress in 1837 appointed a Commission, which Commission went to the State of Mississippi and heard claimants under article fourteen which came before it. In 1842 another Commission was appointed for the same purpose. Both of these Commissions made lists of successful claimants.

- Q Did any of your Choctaw ancestors appear before either of these two Commission and claim rights under article fourteen of the treaty of 1830? A No sir I don't know.

#5

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and that his land had been taken from him he should be entitled to select land elsewhere either in Mississippi, Arkansas, Louisiana or Alabama to be taken from vacant government lands, and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
- Q Have you any documentary evidence that you would like to present now? A Yes sir.

Application of J. T. Seage presented to the Commission, received filed, marked exhibit "A" and made a part of the record in this case

- Q This is all that you have at present? A Yes sir.

A reasonable time will be allowed this applicant in which to file other documentary evidence and other proper evidence in support of his application and the application he makes for his children for identification as Mississippi Choctaws.

- Q John W. Seage a brother of yours? A Yes sir.
- Q And Theodosia Seage? A She is my sister.
- Q Other relatives of yours are here to make application for identification as Mississippi Choctaws? A Yes sir.
- Q Do you want the testimony of all of your relatives who have and who are to make application claiming through Rebecca Bond considered with your case in order that you may have the benefit of what they have testified to? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, has blueish eyes, medium dark complexion, dark brown hair, and dark brown mustache. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 23rd 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 7th day of December 1901.

W. M. H. Wood

Notary Public.

Muskogee, Indian Territory, December 12, 1901.

B. B. Johnson,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the ninth instant, with which you enclose marriage license and certificate between J. T. Seago and Gessie Feebook, which you offer for filing in support of the application for identification as Mississippi Choctaws of James T. Seago, et al. The same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

MC 3811

COPY.

M C R 3811

Muskogee, Indian Territory, June 5, 1908.

James T. Seago,

Day, Texas.

Dear Sir:

You are hereby advised that on the 4th day of June, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John T. Seago, et al., embracing the following applications for identification as Mississippi Choctaws:

John T. Seago, et al.,	M C R 3807
Theodora S. Seago, et al.,	M C R 3810
James T. Seago, et al.,	M C R 3811
Zedekiah Seago,	M C R 3812
Albert Cheatham,	M C R 3813
Walter Cheatham,	M C R 3814
Ollie LeViner,	M C R 3815
Mary A. Cheatham, et al.,	M C R 4017
Alpha May Morrisson, et al.,	M C R 4018
Mary Susan Milam, et al.,	M C R 3548

These applications were made under the provision of the act of Congress of June 23, 1906, (34 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

J T S—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Seago, William Eddie Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Mina Seago, Theodosia G. Seago, Haston Seago, James T. Seago, Bertha Seago, Archie Seago, Troy Seago, Zedekiah Seago, Albert Cheatham, Walter Cheatham, Ollie Latimer, Mary A. Cheatham, John W. Cheatham, James E. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alpha May Morrison, Etolia Morrison, John E. Morrison, Mary Susan Milam, Willie Milam, Jimmie Milam, Ury Milam and Hattie Fimmie Milam as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Acting Chairman.

Registered.

COPY.

H.O.R. 8811

Muskogee, Indian Territory, August 13, 1902.

James T. Seago,
Day, Texas.

Dear Sir:

You are hereby advised that on the 2nd day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification in Mississippi Choctaw of the several persons included in the case entitled case of John W. Seago, et al., of which decision was rendered by registered mail on the 5th day of June, 1902.

Yours truly,

SIGNED

43
Acting Chairman,

No. 3811

For Identification as a Mississippi Choctaw.

Date OCT 23 1901

Name James T. Seago.
Age 29 Blood 1/8 (2)

Post Office, Day, Texas,

Father: John Seago. d

Mother: Rebecca A " d

Claims through Mother
wife, Garrie Seago. w.
No claim for wife.

Children:

Bertha Seago. 4
Archie " 2
Troy (boy) " 1

Claims for self &
children

Stenographer G. Rosenwinkel

Choctaw MCR 3812

Zede Kiah, Seago

See MCR 3809

MCR 3812

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 23, 1901.

#3812.

In the matter of the application of Zedekiah Seago
for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Zedekiah Seago, being first duly sworn, upon his oath
testifies as follows:-

Examination by the Commission.

Q What is your name? A Zedekiah Seago.
Q Zedekiah? A Yes sir.
Q Seago? A Yes sir.
Q What is your age? A About twenty-one.
Q What is your post office address? A Day post office.
Q Day, Texas? A Yes sir.
Q How long have you lived at Day? A About three years.
Q Where did you live before that? A I lived in Strawn, Texas.
Q How long did you live in Strawn, Texas? A About two years.
Q And where did you live before that? A In northern Arkansas.
Q Where were you born? A In Northern Arkansas.
Q In what place? A Boone County.
Q You went from there to what state? A Texas.
Q And have lived there since? A Yes sir.
Q What is your father's name? A John Seago.
Q Is he dead? A Yes sir.
Q What is your mother's name? A My mother's name was Rebecca Seago.
Q Rebecca A.? A Yes sir, Rebecca A. Seago.
Q Is she dead? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A About one-eighth.
Q Do you know surely? A No more than just what I have been taught.
Q When and where were your father and mother married? A In Mississippi.
Q Do you know where in Mississippi? A No sir, I do not.

(e).

- Q Do you know what time in Mississippi----when they were married?
A No sir.
- Q Have you proof of their marriage with you? A No sir.
- Q Do you think you can get the proof of their marriage? A Yes sir, I suppose so.
- Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Territory? A Not that I know of.
- Q Are you married? A No sir.
- Q Make application for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application you ever made for citizenship in the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming an interest in the lands of the Choctaw Nation Indian Territory, under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of the treaty of 1830? A Not thoroughly.
- Q Want it explained? A It wouldn't hurt me I don't guess.
- Q The Treaty of 1830 was entered into between the United States Government and the Choctaw Tribe of Indians at that time living in the old Choctaw Nation, partly in Mississippi and partly in Alabama. The object of the treaty was the removal of those Choctaw Indians from that old Nation to this Choctaw Nation Indian Territory, west of the Mississippi River. Before the treaty was signed it became apparent that a good many Choctaw Indians wouldn't go to the Indian Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present

(3).

improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article now do you think? A Yes sir, I believe so.
- Q Do you know whether any of your Choctaw ancestors complied with the provisions of article fourteen as read and explained to you? A No sir, I do not, for certain.
- Q What is the name of your ancestor through whom you claim your Choctaw blood? A Rebecca Bond.
- Q You claim through your mother don't you? A Yes, through my mother.
- Q How old would she be if living now? A I do not know.
- Q Do you know when she died? A She died in '80 sometime, I don't know exactly when.
- Q Where was she born? A In Mississippi.
- Q You don't know when? A No sir, I don't.
- Q What was her maiden name? A Before she was married?
- Q Her maiden name yes. Rebecca A. what? A Rebecca A. McCoy.
- Q She claimed through which parent, father or mother? A Her mother.
- Q What was her mother's name? A Her mother's name?
- Q Maiden name? A Martha McCoy.
- Q Was she born in Mississippi? A Yes sir, I suppose so.
- Q And did she die in Mississippi? A I do not know.
- Q Do you know how old she was when she died? A No sir.
- Q Do you know when she was born? A No sir.
- Q She claimed through which parent, father or mother? A Her mother.
- Q What was her mother's name? A Rebecca Bond.
- Q Was she a fullblood Choctaw Indian----Rebecca Bond? A Rebecca Bond?
- Q Yes. A She was fullblood or three-quarters.
- Q You don't know which? A No sir.
- Q Never heard said which she was? A Not for certain.
- Q Did she speak the Choctaw language? A I do not know.
- Q Did she have an Indian name? A I don't know that.
- Q Did she live in Mississippi in 1830? A Yes sir, I suppose so.
- Q Do you know? A Not for certain. I wasn't there.
- Q I didn't ask you if you lived there. I don't want any fool answers to these questions. You don't need to tell me that you didn't live in Mississippi in 1830 when you give your age as twenty one. Now I will ask you again. Do you know anything about where Rebecca Bond was at, when and where she died, whether in Mississippi or where? A The best of my knowing she was in Mississippi.
- Q But you can't give the exact date? A No sir.
- Q Do you know whether she or any of your Choctaw ancestors owned any improvements on land in Mississippi in 1830? A No sir, I do not know.
- Q You have no proof in any documentary form or in any other form? A You mean with me.
- Q Well, either with you or that you can afterwards produce? A I have a paper with me.
- Q You have your application here have you? A Application, yes sir.
- Q Well, does that state anything about Rebecca Bond and if she owned any improvements on land in Mississippi? A It speaks of Rebecca Bond, but I don't remember whether it says whether she had any land or not.

(4).

- Q Do you know whether any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, went to the United States Indian Agent, Colonel Ward and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I do not know.
- Q Do you know if any of your Choctaw ancestors went from Mississippi or Alabama to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi as Choctaw Indians under article fourteen of the treaty of 1830? A I do not know.
- Q Did they own or claim any land under any other article of the treaty than article fourteen or under the supplement of that treaty? A Don't know.
- Q In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the Government directed the Agent in Mississippi to register the names of those Choctaw Indians who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who went before him and signified to him their intention to remain in Mississippi and take advantage of article fourteen of the Treaty of Dancing Rabbit Creek. On this account in many instances the land in which Indians had improvements and which they desired reserved for them under said article fourteen was sold by the Government at its public land sales and the Choctaws were deprived of their land. This action on the part of the Government caused many complaints on the part of the Choctaws and finally the matter was brought to the attention of Congress and Congress passed an Act on March 3, 1837 providing for the appointment of a Commission. This Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of the names of successful claimants under that article. In 1842 another Commission was appointed by Congress which also went to Mississippi and also heard claimants under article fourteen and made a list of the names of successful claimants under that article. Do you know if any of your ancestors went before either the Commission of 1837 or the Commission of 1842, and claimed benefits under article fourteen of the treaty of Dancing Rabbit Creek. Have you any evidence or hearsay in the family or any documentary evidence to show that they did? A No sir.
- Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the United States, he should be entitled to select land elsewhere in the State of Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant Government Land, and that a certificate should be issued to him to that effect. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I do not know.
- Q Is there any person here that you want to call as a witness in your case to-day? A Yes sir.
- Q Who? A The Cheathams and my brother and one sister.
- Q They are to make application for themselves are they not? A Yes sir.
- Q Well, their testimony will be examined in connection with yours.

(5).

that you may get the benefit of what they will testify to. A Yes sir.

Q You are related to John W. Seago, are you? A Yes sir.

Q He is your brother? A Yes sir.

Q Theodosia Seago? A My sister.

Q Thomas J. Seago? A My brother.

Q They claim through Rebecca Bond? A Yes sir.

Q And these others who are to apply to-day will claim through Rebecca Bond will they? A Yes sir.

Q Do you want to have the testimony of those who have applied today and those who are to apply to-day who claim through Rebecca Bond taken into consideration when yours is considered that you may get the benefit of their testimony? A Yes sir.

Q Do you speak or understand Choctaw? A No sir.

Q Have you any documentary evidence you want to introduce now? A No more than application.

Q Let's see that.

The application of Z. K. Seago, this applicant who gives his name as Zedekiah Seago, presented by applicant, received filed marked exhibit "A" and made a part of the record in this case.

A reasonable time will be allowed this applicant in which to file other documentary evidence in support of his application if he desires, and for the introduction of other proper testimony in this case. Also to introduce testimony or evidence to prove the marriage of his father and mother.

This applicant has the features and physical characteristics of being descended from white parentage. He has blue-gray eyes, dark sandy hair, medium light complexion. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 27 day of November, 1901

Hal Belford
Charles M. [illegible]
Notary Public

COPY.

M C R 3813

Muskogee, Indian Territory, June 5, 1902.

Zedekiah Seago,

Day, Texas.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Seago, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Seago, et al.,	M C R 3809
Theodora G. Seago, et al.,	M C R 3810
James T. Seago, et al.,	M C R 3811
Zedekiah Seago,	M C R 3813
Albert Cheatham,	M C R 3813
Walter Cheatham,	M C R 3814
Ollie Latimer,	M C R 3815
Mary A. Cheatham, et al.,	M C R 4017
Alpha May Morrison, et al.,	M C R 4018
Mary Susan Milam, et al.,	M C R 5343

These applications were made under the provision of the act of Congress of June 20, 1898, (30 Stats., 485) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Seago, William Eddie Seago, Beadie L. Seago, Ernest Seago, Bertie Seago, Mima Seago, Theodora G. Seago, Heston Seago, James T. Seago, Bertha Seago, Archie Seago, Troy Seago, Zedekiah Seago, Albert Cheatham, Walter Cheatham, Ollie Latimer, Mary A. Cheatham, John V. Cheatham, James E. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alpha May Morrison, Etolia Morrison, John E. Morrison, Mary Susan Milam, Willie Milam, Jimmie Milam, Ory Milam and Fattie Fliamie Milam as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(Signed)

Acting Chairman.

Registered.

M.C.R. 3812

Muskogee, Indian Territory, August 13, 1902.

Redfish Range,

May, 1902.

Dear Sir:

Remailed to Robbison. J. J. Aug 29. 1902.

You are hereby advised that on the 2nd day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Sledge, et al., of which decision you were advised by registered mail on the 5th day of June, 1902.

Yours truly,

Acting Chairman.

No. 3812

For Identification as a Mississippi Choctaw.

OCT 23 1901

Date

1061 82 100

Name Zedekiah Seago.

Age 21

Blood 1/8

Post Office, Day, Texas.

Father: John Seago. d.

Mother: Rebecca A. " d.

(Claims through mother)

~~Signature:~~

Claims for sep
alone.

Stenographer Hal Belford

Choctaw MCR 3813

Albert Cheatham

See MCR 3809

MCR 3813

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 23, 1901.

#3813.

In the matter of the application of Albert Cheatham
for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Albert Cheatham, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is the name? A Albert Cheatham.
Q Albert, is it? A Yes sir.
Q C-h-e-a-t-h-a-m? A That's correct.
Q What is your age? A Twenty-one.
Q What is your post office address? A Day.
Q Texas? A Yes sir.
Q How long have you lived at Day? A Seven years.
Q Where were you born? A In Arkansas.
Q What part of Arkansas? A Boone County.
Q And when did you remove from that state? A Why, it was eleven
years after I was born.
Q You lived eleven years in Arkansas? A In Arkansas, yes.
Q And then you went where? A To Texas.
Q And lived there since? A Yes sir.
Q What is your father's name? A Cheatham.
Q Full name? A E. C. Cheatham---Ed Cheatham.
Q Ed C.? A Yes sir.
Q Is he living? A Yes sir.
Q What is your mother's name? A Nellie Ann Cheatham.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A About one-sixteenth.
Q Has your mother ever been recognized in any way, or enrolled as a
member of the Choctaw Tribe of Indians by the Choctaw Tribal Auth-
orities or the United States Authorities in the Indian Territory?
A No sir.
Q Have you the proof of the marriage of your father and mother here?
A No sir.
Q Do you know when and where they were married? A They was married
in Arkansas.

(2).

- Q Yes, what place in Arkansas? A Boone County.
Q What date----give me the full date? A '77.
Q That isn't the full date? A 1877.
Q Day of the month? A I don't know the day of the month.
Q By a minister under a license? A I don't know which.

Reasonable time will be allowed this applicant in which to introduce proper proof of the marriage of his father and mother.

- Q Are you married? A No sir.
Q You claim for yourself alone do you? A Yes sir.
Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Is this the first application that you have ever made for admission as a citizen of the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Not thoroughly I don't. Part of it I reckon.
Q You have heard it read and explained have you? A Yes sir.
Q How many times do you think? A Three or four times I believe.
Q You don't understand it yet? A Well, not all of it.
Q Do you think you can understand it with one more explanation? A I think I could.
Q The treaty of 1830 was entered into between the Choctaw Indians and the United States Government September 27, 1830, at a place called Dancing Rabbit Creek in Mississippi. At that time the Choctaws had a Nation which was partly in the state of Mississippi and partly in the state of Alabama, along the western boundary line. The object of that treaty was to get them all to go from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation Indian Territory where they might have a tribal Government of their own in a territory under the United States Jurisdiction, where they might be protected by the United States Government and be undisturbed from the encroachments of the white people or anybody else. Before the treaty was signed though, it became known that a great many Choctaw Indians wouldn't go to the new Choctaw Nation, Indian Territory. Some provision had to be made for them, and in order that their interests might be protected article fourteen was drafted and put into the treaty. This article was satisfactory, not only to these Choctaw Indians who wished to stay back there in Mississippi, but also to those Indians who afterwards went to the Choctaw Nation, Indian Territory and was also satisfactory to the United States Government. The

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treaty therefore was adopted and became ratified with article fourteen incorporated into it. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article of that treaty as read and explained? A Yes sir, I believe so.
- Q Now as you have heard it read and explained and understand it, do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of that treaty as read to you? A I do not know.
- Q What is the name of your ancestor who lived in Mississippi in 1830 under whom you claim your right to be identified as a Mississippi Choctaw? A Rebecca Bond.
- Q What kin was she to you? A great-great-grandmother.
- Q Was she a full blood Choctaw Indian? A I do not know.
- Q Of course you don't know of your own personal knowledge, but did you ever hear in the family or hear anybody say so, or have you any record to show? A We haven't any records but I have heard that she was three-quarters or full.
- Q You don't know which? A I do not know which.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she have an Indian name, other than that of Rebecca Bond? A I do not know.
- Q You claim through your mother, Mollie A. Cheatham. What was her maiden name? A Mollie A. Seage.
- Q She claimed through which parent----father or mother? A Mother.
- Q What was her mother's maiden name? A McCoy.
- Q Rebecca McCoy? A Yes sir.
- Q Did she claim through her father or mother? A Mother.
- Q What was Rebecca McCoy's mother's maiden name? A Bond.
- Q What Bond? A Rebecca Bond.

(4).

- Q Rebecca Bond? A Yes sir.
- Q She claimed through which parent---father or mother? A Mother.
- Q What was her name? A Rebecca Bond.
- Q Now there was a Martha Bond testified to here by one applicant. Do you know anything about Martha Bond. Was Rebecca Bond's daughter named Martha or Rebecca? A Well, I do not know.
- Q Then you wouldn't be sure about that? A No, I wouldn't be sure about that. I guess I got a little too fast there.
- Q Well, now if you think you didn't get that right we will go over it again. You claim through your mother, Mollie A. Seago? A Yes sir.
- Q Her maiden name was Mollie A----A. Seago.
- Q S-e-a-g-o. She claimed through which parent----father or mother? A Mother.
- Q And her mother's maiden name was what? A McCoy.
- Q And the full name? A Rebecca McCoy.
- Q Rebecca McCoy----now Rebecca McCoy claimed through which parent, father or mother? A Mother.
- Q What was Rebecca McCoy's mother's name----her maiden name? A I don't believe I knew.
- Q Wasn't her maiden name Bond, or was it? A I believe it was, yes sir.
- Q Well, you don't know her first name then? A No, I don't.
- Q Now what was her mother's name? Rebecca Bond wasn't it or was it? A Yes sir, Rebecca Bond.
- Q Now is that right? A I believe it is but I wouldn't be certain.
- Q Well, as near as you can recollect now you think that's right? A I think that's right as near as I can recollect.
- Q How old is your mother? A My mother is----I don't know exactly how old she is. I think she's forty-two or three.
- Q Was she born in Mississippi? A yes sir, she was born in Mississippi.
- Q Was her mother born in Mississippi? A I don't know where her mother was born.
- Q Was Rebecca Bond born in Mississippi? A I don't know, I suppose so.
- Q You don't know sure? A I don't know sure.
- Q Did you ever hear? A I don't remember of ever hearing that she was born there.
- Q Do you know whether any of your ancestors from your mother up to Rebecca Bond were born in Mississippi and lived there? Didn't you ever hear? A I never heard that any of them was borned there. They lived there.
- Q Are you sure they lived there? A Yes sir.
- Q Did you hear that they lived there from Rebecca Bond down to your mother? A No, they didn't all live there.
- Q Who didn't live there? A Well, the McCoy's I think some of them didn't live there.
- Q Now which of your ancestors if you know lived in Mississippi in 1830? A Rebecca Bond.
- Q Did Rebecca Bond or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I have heard they did.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I do not know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to remain in Mississippi

(5).

- and take land there? A I don't know.
- Q Did any of your Choctaw ancestors own any land in Mississippi or Alabama, or claim any as Choctaw Indians from the Government of the United States, under article fourteen of the treaty of 1830? A Rebecca Bond did, I heard.
- Q Do you know where that land is situated? A No sir I do not know.
- Q Did she get that land as a Choctaw Indian, do you know? A Well, I do not know. She just owned land there.
- Q In 1830 and afterwards? A Yes sir.
- Q Have you any proof of that fact? A No more than just what I have been told.
- Q Told by your mother, or who? A Mother and grandmother.
- Q But you have no other proof----no other evidence? A No other evidence, no sir.
- Q Do you think if given time you could introduce testimony or evidence that would prove that fact and that she got it from the Government? A I think I could, yes sir.
- Q Did your mother, your grandmother, your great-grandmother, or any of your Choctaw ancestors claim or receive any land or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I didn't just understand you please.
- Q You say that Rebecca Bond held land under article fourteen of the treaty of 1830. How do you know whether she claimed any land or received any benefits under any other article of the treaty of 1830 than article fourteen, that is under the rest of the treaty, or under the supplement of the treaty? A I do not know.
- Q In accordance with the provisions of article fourteen of the treaty of 1830, the United States Indian Agent who lived in Mississippi at that time, whose name was Colonel Ward, was instructed by the United States Government to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the Treaty of Dancing Rabbit Creek and told him that they wanted to stay in Mississippi and take land there. This Agent failed to record the names of the greater number of Indians who came before him and made their declarations within the time limited in Article fourteen. His list, known as Ward's Register contains the names of only a small fractional part of all who did come before him. This neglect on his part caused many Indians to lose the land which they held in Mississippi. It was sold together with improvements upon it by the Government at Public land sales. This caused so many complaints among the Indians, Choctaw Indians, that finally Congress in 1837, by an Act of Congress approved March 3rd of that year appointed a Commission and this Commission went to the State of Mississippi and heard a great many claimants under article fourteen and made a list of the names of successful claimants. In 1842 another Commission was appointed by Act of Congress approved August 23 of that year, and this Commission heard claimants under article fourteen and made out a list of the names of successful claimants under that article. Do you know if any of your Choctaw ancestors went before either of these Commissions, the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen of the treaty of 1830? A No sir, I do not.
- Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied

(5).

with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your ancestors as Choctaw Indians ever receive any such scrip from the Government of the United States? A I don't know.

Q Have you any documentary evidence you want to introduce? A Yes sir.

Application of Albert Choatham presented by him received filed and marked exhibit "A" and made a part of the record in this case

Reasonable time is allowed this applicant in which to file documentary or other proper evidence in support of this application which he makes for identification as a Mississippi Choctaw.

Q Do you speak the Choctaw language? A No sir.

Q Or understand it? A No sir.

Q Is John W. Seago related to you? A Yes sir.

Q What relation? A Uncle.

Q What relation is Theodora G. Seago? A Aunt.

Q Thomas J. Seago? A Uncle.

Q Zedekiah Seago? A Uncle.

Q These have appeared to-day claiming the right to be identified as Mississippi Choctaws and claiming through Rebecca Bond. Is that the relative through whom you claim--the ancestor? A Yes sir.

Q Do you want to have their cases considered with yours when yours is considered in order that you may get the benefit of what they have testified to and filed in their cases? A Yes sir.

Q And also do you want the testimony of those who are further to appear before the Commission to-day who claim through the same ancestor considered with yours? A Yes sir.

Q Is there anything more you want to say? A Nothing more.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium dark complexion, black eyes, dark hair. Does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

(7).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the 23rd day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 27 day of November, 1901.

Clara Mitchell Wood
Notary Public

COPY. M C R 3813

Muskogee, Indian Territory, June 5, 1902.

Albert Cheatham,

Bay, Texas.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Seago, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Seago, et al.,	M C R 3809
Theodosia G. Seago, et al.,	M C R 3810
James T. Seago, et al.,	M C R 3811
Zedekiah Seago,	M C R 3812
Albert Cheatham,	M C R 3813
Walter Cheatham,	M C R 3814
Ollie Latimer,	M C R 3815
Mary A. Cheatham, et al.,	M C R 4017
Alpha May Morrison, et al.,	M C R 4018
Mary Susan Milan, et al.,	M C R 3853

These applications were made under the provision of the act of Congress of June 22, 1893, (30 Stats., 435) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

A C—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Seago, William Eddie Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Mima Seago, Theodosia C. Seago, Heston Seago, James T. Seago, Bertha Seago, Archie Seago, Troy Seago, Zedekiah Seago, Albert Cheatham, Walter Cheatham, Ellie Latimer, Mar. A. Cheatham, John W. Cheatham, James E. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alpha May Morrison, Stella Morrison, John E. Morrison, Mary Susan Milam, Willie Milam, Jimmie Milam, Ury Milam and Hattie Flinnie Milam as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

James Dickey.

Acting Chairman.

Registered.

COPY.

W.C.R. 3613

Muskogee, Indian Territory, August 13, 1902.

Albert Cheatham,

Day, Texas.

Dear Sir:

You are hereby advised that on the 2nd day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Seago, et al., of which decision you were advised by registered mail on the 5th day of June, 1902.

Yours truly,

Acting Chairman.

No. 3813

For Identification as a Mississippi Choctaw.

Date OCT 23 1901

Name Albert Cheatham,

Age 21

Blood

1/6

Post Office,

Day, Texas.

Father;

Ed. C. Cheatham, Jr.

Mother:

Mollie A. " " "

Claims through

mother,

~~Defendant.~~

Claims for and
alone -

Stenographer

Wal B. B. B. B.

Choctaw MCR 3814

Walter Cheatham

See MCR 3809

MCR 3814

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 23, 1901.

#3814.

In the matter of the application of Walter Cheatham
for identification as a Mississippi Cheetaw.

Applicant not represented by attorney.

Walter Cheatham, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is the name? A Walter Cheatham.
Q Walter, is it? A Yes sir.
Q What is your age? A Eighteen.
Q Are you married? A Yes sir.
Q What is your post office address? A Day, Texas.
Q How long have you lived at Day? A About seven years.
Q Where were you born? A In Arkansas.
Q What place in Arkansas? A Boone County.
Q When did you live in Arkansas? A In '91.
Q And did you come to Texas? A Yes sir.
Q Have lived there since? A Yes sir, have lived there ever since.
Q What is your father's name? A E. C. Cheatham.
Q E. C.? A Yes sir.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mollie A. Cheatham.
Q Is she living? A Yes sir.
Q Through which parent do you claim Cheetaw blood? A Mother.
Q How much do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Cheetaw Tribe of Indians by either the Cheetaw Tri-
bal authorities or the United States authorities in the Indian
Territory? A No sir.
Q Can you tell when and where your father and mother were married?
A No sir.
Q Do you know whether they were married under a license by a minis-

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ter? A No sir, I do not.

Q You havn't the evidence or proof of their marriage with you have you? A No sir.

Reasonable time will be allowed this applicant in which to introduce evidence of the marriage of his father and mother.

Q Are you married? A Yes sir.

Q What is your wife's name? A Annie Cheatham.

Q Is she a white woman or an Indian? A White woman.

Q Do you claim for her? A No sir.

Q Have you any children? A No sir.

Q Claim for yourself alone? A Yes sir.

Q When and where were you married to your wife? A At Sherman, Texas, July 14, 1901.

Q Were you married by a minister under a license? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian territory? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Is this the first application of any kind you have ever made for citizenship in the Choctaw Nation either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.

Q Do you now make application for identification as a Mississippi Choctaw, claiming an interest in the Choctaw lands in the Indian Territory under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir.

Q You have heard it read and explained how many times to day? A About five times.

Q You think you understand it perfectly now do you? A Yes sir, I understand it.

Q You waive the reading and explanation----further reading? A Yes sir.

Q Then you don't care to have it read again? A No sir.

Q As you have heard it read and explained and as you understand it do you know whether any of your ancestors ever complied with the provisions of article fourteen of that treaty or attempted to comply with them? A No sir, I do not.

Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Rebecca Bond.

Q Rebecca Bond----what relation is she to you? A My Great-great-grandmother.

Q How much Choctaw blood did she have? A Three-fourths or a full.

Q You can't tell which? A No sir.

(3).

- Q Have no evidence or proof of which? A No sir.
- Q Is such knowledge as you have obtained from family history and tradition, from members of the family, you have heard it in the family have you? A Yes sir, I have heard it in the family.
- Q Did she have an Indian name? A I don't know.
- Q Did she speak the Choctaw language? A I don't know whether she did or not.
- Q Do you know if she ever lived in Mississippi? A Yes sir.
- Q Did she live there in 1830? A Yes sir.
- Q Did she have a family there at that time? A Yes sir.
- Q How do you know she lived in Mississippi and had a family there in 1830? A Just by what I have been told by my parents.
- Q In the family? A Yes sir.
- Q You claim through your mother? A Yes sir.
- Q How old is she now? A She's forty.
- Q Where was she born? A Mississippi.
- Q What place in Mississippi? A I don't know what place.
- Q Did she claim through her mother? A Yes sir.
- Q What was her mother's name? A Rebecca Seago.
- Q Was that her maiden name? A No her maiden name was Rebecca McCoy.
- Q What was her mother's name? A Martha McCoy.
- Q Did she claim through her mother? A Yes sir.
- Q Martha McCoy----Martha McCoy was her married name. What was her maiden name? A Rebecca Bond.
- Q No, what was her maiden name----Martha Bond? A Yes sir, Martha Bond.
- Q And her mother's name was Rebecca Bond was it? A Yes sir.
- Q How did all of these people that I have named from your mother up to your great-great-grandmother, Rebecca Bond, did they all live in Mississippi? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I do not know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Mississippi Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them claim or receive any land in Mississippi or any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them claim or receive any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know whether they did or not.
- Q According to the provisions of article fourteen of the treaty of 1830 the United States Indian Agent, Colonel Ward was instructed to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. He neglected to record the names of the greater number of Choctaw Indians who came before him within the time limited in article fourteen and the result of his neglect caused a great many Indians who lived in Mississippi upon land there to lose their land and the improvements upon the land. This caused so many complaints among the Choctaw Indians that finally in 1837 by an Act of Congress approved March 3rd of that year, Congress appointed a Commission. This Commission went to the State of

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- Mississippi and heard all Choctaw claimants who came before it claiming benefits under article fourteen and made a list of the names of all successful claimants. In 1842 another Commission was appointed by Act of Congress approved August 23, 1842 and this Commission also made a list of the names of all successful claimants who came before it claiming under article fourteen. Did any of your ancestors appear before either of those two Commissions, that of 1837 or the Commission of 1842 and claim any benefits under article fourteen of that treaty? A I do not know.
- Q The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government he should be entitled to select land elsewhere in the State of Mississippi or in Alabama, Louisiana, or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given him. These certificates were called scrip. Was any of your ancestors ever receive any scrip from the Government of the United States under this Act of Congress? A I don't know whether they did or not.
- Q Have you any relatives who have applied for identification to-day? A Yes sir.
- Q John W. Seago, what relation to you? A He's my uncle.
- Q Theodosia C. Seago? A She's my aunt.
- Q James T. Seago? A My uncle.
- Q Zedekiah Seago? A My uncle.
- Q Albert Cheatham? A My brother.
- Q They all claim through Rebecca Bond. You claim through the same Rebecca Bond? A Yes sir.
- Q Do you want to have their testimony considered with yours that you may get the benefit of what they have testified to in your case? A Yes sir.
- Q Have you any documentary evidence you want to introduce now? A Yes sir.

The application of Walter Cheatham presented by applicant received filed marked exhibit "A", and made a part of the record in this case.

The affidavit of Elijah Colbert presented by this applicant received, filed, marked exhibit "B" and made a part of the record in this case.

- Q Have you any other evidence that you want to present now? A No sir.

Reasonable time will be allowed this applicant in which to file other documentary evidence if he wishes in support of his application.

(5).

Q Do you speak or understand the Cheetaw language? A No sir.
Q Is there anything more you want to say? A No sir.

This applicant has the appearance and physical characteristics of being descended from White parentage. He has medium dark complexion, dark brown eyes, very dark brown hair. He does not understand the Cheetaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 27 day of November, 1901.

Charles M. Mitchell
Notary Public

Muskogee, Indian Territory, June 5, 1903.

Walter Cheatham,
Day, Texas.

Dear Sir:

You are hereby advised that on the 4th day of June, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Seago, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Seago, et al.	M C R 3809
Theodora C. Seago, et al.	M C R 3810
James T. Seago, et al.	M C R 3811
Federick Seago,	M C R 3812
Albert Cheatham,	M C R 3813
Walter Cheatham,	M C R 3814
	M C R 3815
Mary A. Cheatham, et al.	M C R 4017
Alpha May Morrison, et al.	M C R 4018
Mary Susan Wilson, et al.	M C R 4343

These applications were made under the provision of the act of Congress of June 25, 1902, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John V. Seago, William Riddle Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Mina Seago, Theodosia C. Seago, Hoston Seago, James T. Seago, Bertha Seago, Archie Seago, Troy Seago, Zedekiah Seago, Albert Cheatham, Walter Cheatham, Ollie Lattin, Harry A. Cheatham, John W. Cheatham, James E. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alpha May Morrison, Etolia Morrison, John E. Morrison, Mary Susan Milam, Willie Milam, Jimmie Milam, Dry Milam and Etolia Elmerie Milam as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commissioner has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

James D. Smith.

Acting Chairman.

Registered.

COPY.

H.C.N. 3614

Muskogee, Indian Territory, August 13, 1902.

Walter Chestnut,

Day, Texas.

Dear Sir:

You are hereby advised that on the 2nd day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Seago, et al., of which decision you were advised by registered mail on the 5th day of June, 1902.

Yours truly,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

JOT 22 1901

Name

Walter Cheatham

Age

18

Blood

1/6

Post Office,

Blay, Texas,

Father;

E. C. Cheatham, l

Mother:

Mollie A., " l

Claims through

mother

wife

Annie

"

w.

No claim for wife -

~~Children:~~

Claims for self alone

Stenographer

Hal Belford

Choctaw MCR 3815

Ollie Latimer

See MCR 3809

MCR 3815

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 23, 1901.

#3815.

In the matter of the application of Ollie Latimer for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Ollie Latimer, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is the name? A Ollie Latimer.
Q L-a-t-i-m-e-r? A Yes sir.
Q What is your age? A Sixteen.
Q What is your post office address? A Day, Texas.
Q Day? A Yes sir.
Q How long have you lived at Day? A About seven years.
Q Seven years---where did you live before that? A Near Sherman.
Q Near Sherman? A Yes sir.
Q In what county is that? A In Grayson County.
Q Where were you born? A In Arkansas.
Q Where in Arkansas? A Boone County.
Q In Boone County? A Yes sir.
Q When did you leave Arkansas? A In 1894.
Q And went from there where? A To Texas.
Q And have lived there since have you? A Yes sir.
Q What is your father's name? A Ed C. Gontham.
Q What? A Ed C. Gontham.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mollie A. Gontham.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a

(2).

- member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Have you the evidence of the marriage of your father and mother with you? A No sir.
- Q Can you tell when and where they were married and by whom? A They were married in 1877, in Arkansas.
- Q Do you know what day of the month? A No sir.
- Q 1877 in Arkansas----do you know whether they were married by a minister under a license? A No sir, I don't know.
- Q You haven't the proof of their marriage with you you say? A No sir.

A reasonable time will be allowed this applicant to prove the marriage of her father and mother.

- Q Are you married? A Yes sir.
- Q What is your husband's name? A John Latimer.
- Q Is he a white man or an Indian? A White man.
- Q Do you claim for him anything? A No sir.
- Q Have you any children you want to make application for? A No sir.
- Q You claim for yourself alone? A Yes sir.
- Q When and where were you married to your husband John Latimer? A In Sherman.
- Q Sherman, Texas? A Yes sir.
- Q When was that? A 30th day of August, 1901.
- Q August 30th, 1901--- by a minister under a license? A No sir, Justice of the Peace.
- Q Justice of the Peace---you had a license did you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for admission into the Choctaw Nation as a citizen to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for membership in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application you have ever made of any description for citizenship in the Choctaw Nation either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I think I do.
- Q You have heard it read and explained to-day how many times? A About six, I believe.
- Q And you think you understand it pretty well, do you? A Yes sir.
- Q You waive further reading of it then do you. That is you don't care to have it read again? A No sir.

(3).

- Q Now as you have heard it read and explained and understand it do you know if any of your Choctaw ancestors ever complied with the provisions of that article, or ever tried to? A I do not.
- Q What is the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Rebecca Bond.
- Q What relation was she to you? A She was my great-great-grand-mother.
- Q Do you claim through your mother? A Yes sir.
- Q Her name was Mollie A. Cheatham----what was her maiden name? A Mollie A. Seago.
- Q She claimed through which parent----father or mother? A Her mother.
- Q What was her mother's name? A Rebecca McCoy.
- Q Rebecca McCoy----that was her maiden name, was it? A That was her maiden name.
- Q Was it----well now, did she claim through her father or mother? A Her mother.
- Q What was her mother's name? Was it Mary or Martha? A It was Martha.
- Q Martha what? A McCoy.
- Q What was her maiden name? A Martha Bond.
- Q Martha Bond----she claimed through which parent----father or mother? A I believe it was her mother.
- Q What was her mother's name? A Rebecca Bond.
- Q Now how much Choctaw blood did Rebecca Bond have? A Three-fourths or fullblood.
- Q Where did you hear that? In the family? A Yes sir.
- Q Who told you in the family? A My mother.
- Q But she didn't know how much, whether fullblood or three fourths? A No sir.
- Q Have you any evidence anywhere or do you think you can produce any evidence showing how much Choctaw blood Rebecca Bond had? A I believe I could.
- Q If you were given time you think so do you? A Yes sir.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she have an Indian name, did you ever hear? A I never heard whether she did or not.
- Q Did she live in Mississippi? A Yes sir.
- Q Do you know when? Did she live there in 1830? A I don't know.
- Q Do you know whether any of your ancestors lived in Mississippi in 1830? A No sir, I don't.
- Q Well, did you ever hear that any of them lived in Mississippi? A Yes sir, I have heard that they did.
- Q Was your mother born in Mississippi if you know? A I don't know. I believe she was born in Tennessee.
- Q In Tennessee----was her father born in Mississippi? A I don't know.
- Q Was her mother born in Mississippi? A I don't know.
- Q Do you know when your mother was born or when her mother was born? A No sir, I don't.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of Dancing Rabbit Creek tell the United States Indian Agent Colonel Ward, that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of them go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1836? A I don't know whether they did or not.

(4).

- Q Did any of them receive any land or claim any from the Government as Choctaw Indians under article fourteen of the treaty of 1830? That you know of? A No sir, I don't know of any.
- Q Did any of your Choctaw ancestors receive or claim any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty that you know of? A No sir.
- Q According to the provisions of article fourteen of the Treaty of Dancing Rabbit Creek, the Government required the United States Indian Agent who lived in Mississippi in 1830, to make a list of the names of all Choctaw claimants who came before him within six months from the ratification of the treaty of 1830, and signified to him their intention to remain in Mississippi and take land there and become citizens of the States. This Indian Agent failed to record the names of the greater number of Choctaw Indians who came before him according to the conditions and provisions of Article XIV of that treaty, and his neglect caused a great many Indians who lived in Mississippi and had land there to lose their land and the improvements upon the land. They were taken and sold by the Government. This caused so many complaints on the part of the Indians that in 1837 under an Act of Congress approved March 3rd of that year, Congress appointed a Commission which Commission went to the State of Mississippi and heard a great many claimants under Article XIV, and made a list of the names of successful claimants who came before it under that article of that treaty. In 1842 another Commission was appointed by Congress for the same purpose, and they also went to Mississippi and heard claimants under Article XIV and made lists of the names of successful claimants. Do you know if any of your Choctaw ancestors appear before either the Commission of 1837 or the Commission of 1842 and claim any benefits under article fourteen of that treaty of 1830? A I don't know whether they did or not.
- Q The Act of Congress approved August 23, 1842, provided that if a Choctaw Indian claimant came before it and proved his claim, if it appeared that his land had been previously taken from him by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that he should receive a certificate to that effect. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A I don't know.
- Q Have you any documentary evidence that you want to introduce now? A No sir.
- Q Any papers of any kind? A No sir.
- Q You have no petition theno---no application? A No sir.
- Q Would you like time in which to present documentary evidence in your case? Like a little time in which to put anything in that you want to present? A No sir, I wouldn't want to present any.
- Q I think you better take a little time. It wouldn't do you any harm.

Reasonable time will be allowed this applicant in which to present documentary evidence or furnish other testimony in this case if she desires to do so. Also to introduce evidence in proof of the marriage of her father and mother.

- (5),
- Q Do you speak the Choctaw language? A No sir.
Q You don't understand it at all? A No sir.
Q Is there anything further you want to say about your case? A No sir.
Q You have some relatives who have appeared here to-day haven't you? What relation is John W. Seago to you? A My uncle.
Q Theodesia G. Seago? A My aunt.
Q Thomas T. Seago? A My uncle.
Q Zedekiah Seago? A My uncle.
Q Albert Cheatham? A My brother.
Q Walter Cheatham? A My brother.
Q Do you want to have their testimony considered with yours that you may get the benefit of what they have testified to in your case? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parents. Medium light complexion, light brown hair. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with Article XIV of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford
Subscribed and sworn to before me this 30 day of November, 1901.

Clara Mitchell Wood
Notary Public.

COPY. M C R 3815

Muskogee, Indian Territory, June 5, 1902.

Ollie Latimer,
Day, Texas.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Seago, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Seago, et al.,	M C R 3809
Theodosia G. Seago, et al.,	M C R 3810
James T. Seago, et al.,	M C R 3811
Zedekiah Seago,	M C R 3812
Albert Cheatham,	M C R 3813
Walter Cheatham,	M C R 3814
Ollie Latimer,	M C R 3815
Mary A. Cheatham, et al.,	M C R 4017
Alpha May Morrison, et al.,	M C R 4018
Mary Susan Milan, et al.,	M C R 5545.

These applications were made under the provision of the act of Congress of June 26, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Seago, William Eddie Seago, Bessie L. Seago, Ernest Seago, Bertie Seago, Mima Seago, Theodosia G. Seago, Haston Seago, James T. Seago, Bertha Seago, Arolio Seago, Troy Seago, Zedekiah Seago, Albert Cheatham, Walter Cheatham, Ollie Latimer, Mary A. Cheatham, John W. Cheatham, James E. Cheatham, Georgia E. Cheatham, Mary Ann Cheatham, Alpha May Morrison, Etolia Morrison, John E. Morrison, Mary Susan Milan, Willie Milan, Jirrie Milan, Urv Milan, and Mattie Flinn as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tams Dixby.

Acting Chairman.

Secretary.

COPY

2.5.2.2816

Muskogee, Indian Territory, August 13, 1902.

Ellie Lathrop,
Day, Texas.

Dear Madam:

You are hereby advised that on the 2nd day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Seago, et al., of which decision you were advised by registered mail on the 3th day of June, 1902.

Yours truly,

Acting Chairman.

No. 3815

For Identification as a Mississippi Choctaw.

OCT 23 1901

Date

Name Ollie Latimer

Age 16 — Blood 1/6

Post Office, Day, Texas.

Father: Ed. C. Cheatham, Jr.

Mother: Mollie A. "

Claims through mother
husband John Latimer, Jr.

No claim for husband

~~Other:~~

Claims for self
alone.

Stenographer Hal Belford

Choctaw MCR 3816

William H. Ward

See MCR 539

MCR 3816

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 23, 1903.

#3816.

In the matter of the application of William H. Ward
for the identification of himself and his minor child, Alma P. Ward,
as Mississippi Choctaws.

Applicant not represented by attorney.

William H. Ward, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A William Henry Ward.
Q William Henry Ward? A Yes sir.
Q What is your age? A Thirty-six.
Q What is your post office address? A Buckhorn, I. T. at present.
Q How long have you lived at Buckhorn? A About two weeks.
Q Where were you born? A I was born in Arkansas.
Q What place? A In Columbia County.
Q How long did you live in Arkansas? A I lived there till I was
about a year and a half of age.
Q And went from there where? A Then to Texas.
Q Have you lived in Texas since till you came to the Territory?
A Yes sir.
Q Where in Texas did you live? A Red River County.
Q All the time? A Well, I have lived other places in Texas. I
was raised in Red River County, but since I have grown up I have
lived in other counties.
Q Did you go from there to Buckhorn? A Yes sir.
Q What is your father's name? A My father's name is John Wesley.
Q John what? A John Wesley Ward.
Q Is he living? A Yes sir.
Q What is your mother's name? A My mother is Eveline Ward.
Q E-v-e-l-i-n-e, is it? A Yes sir.
Q Eveline Ward----is she living? A No sir, she's dead.
Q Through which parent do you claim Choctaw blood? A Through my

(2).

father.

- Q How much do you claim? A One eighth.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities? A No sir, not that I know of.
- Q Have you proof of the marriage of your father and mother with you? A Why no sir, I haven't.
- Q When were they married? A Well now, I don't know just when.
- Q Where were they married? A They were married in Arkansas.
- Q What place? A In Columbia County.
- Q By a minister under a license----or don't you know? A I don't know.

Reasonable time will be allowed this applicant in which to file proof of the marriage of his father and mother.

- Q Are you married? A Yes sir.
- Q What is your wife's name? A My wife's name is Lucy Ada Ward.
- Q Lucy what? A Lucy Ada Ward.
- Q What is her nationality----is she white? A She's white.
- Q Do you claim anything for her? A No sir.
- Q Have you children you want to make application for? A One child.
- Q What is his name, or it's name? A It is named Alma Fay.
- Q What is that----Alma Fay? A Alma Fay.
- Q Alma F. Ward, isn't it? A Yes sir.
- Q Girl? A Girl.
- Q How old? A About eight months.
- Q Is Lucy A. Ward the mother of this child? A Yes sir.
- Q You the father? A Yes sir.
- Q Was she ever married before she married you? A No sir.
- Q Or were you ever married before you married her? A No sir.
- Q When and where were you married to your wife, Lucy A. Ward? A In Washington Township in Independence County, Arkansas, about four years ago the 14th of this last September.
- Q Have you the marriage license and certificate or any proof of the marriage of yourself and your wife? A No sir, not at present.

Reasonable time will be allowed applicant in which to introduce evidence proving his marriage to his wife.

- Q You claim for yourself and child, do you? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Na-

(3).

tion to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation? A No sir.

Q By either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Is this the first application that you have ever made of any description for citizenship in the Choctaw Nation? A It is.

Q Either to the Choctaw Tribal Authorities or to the United States Authorities? A Yes sir.

Q Do you now make application for identification as a Mississippi Choctaw claiming an interest in the land in the Choctaw Nation, Indian Territory, under article fourteen of the treaty of 1830? Do you claim under that article? A Well, I don't know.

Q How? A No sir.

Q You don't claim under Article XIV? A XIV----I reckon I do but I don't know.

Q Well, you have been here all day and I have explained that. Now I have explained that seven or eight times. Don't you understand it yet? A I believe----yes I guess I understand it too.

Q Yes sir, I have explained that eight times. A I think so. About eight times.

Q Now do you want me to explain it again? I will explain it if you do. A I guess not. It's hardly worth while.

Q Well, now I am perfectly willing to make any explanation to make that perfectly clear to you if you wish it, or if you think you understand it now with what you have heard then you can waive the reading and explanation. A I don't think it's necessary.

Q You don't think it's necessary to read it? A No sir.

Q Well, as you understand it now, after having heard it read and explained a number of times, can you say whether or not any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article XIV of the treaty of 1830? A No sir, I can not.

Q What is the name of your ancestor who lived in Mississippi in 1830? Choctaw ancestor----can you tell? A Why, Phillip Ward.

Q Phillip? A Yes sir.

Q One "L" in Phillip do you know? A Double "L" I guess in it.

Q I don't know. I will put it double "L" if you say so? A No, I guess one "L"

Q What relation was he to you? A Why, he was my great-grandfather.

Q How much Choctaw blood did he have? A Why, he was considered a full blood.

Q What proof have you that he was a fullblood Choctaw? A Why, I haven't got only as I have heard.

Q From members of the family? A From members of the family. My grandfather and my father.

Q Did he have an Indian name or did he speak the Choctaw language? A I couldn't tell you sir.

Q Did he live in Mississippi? A That's where they say he lived.

Q Did he live there in 1830? A I couldn't tell you sir.

Q Do you know whether he was the head of a family in Mississippi in 1830 or any time before that? A He was the head of a family in Mississippi but I couldn't tell you when.

Q Do you know where he was born or when? A No sir.

Q When was he born? A I don't know sir.

Q Do you know where he died? A No sir.

Q When he died? A No sir.

(47).

- Q Do you claim through your father? A Yes sir.
- Q His name was John W. Ward? A Yes sir, son of Ab Ward.
- Q How old is he now? A John W. Ward now is about seventy-two years old.
- Q Then he was born in 1829? A Yes sir.
- Q Where was he born----do you know? A Why, he was born----I couldn't tell you, sir.
- Q Do you know whether he was born in Mississippi? A I think he was.
- Q How? A To the best of my knowledge he was.
- Q His father's name was Ab Ward? A His father's name was Ab Ward.
- Q Did he live in Mississippi----was he living there when your father was born? A Yes sir.
- Q When was he born----Ab Ward----if you know? A Ab Ward? I could not tell you sir. You see he was my grandfather and that's a good ways back.
- Q You don't know where he was born? A To the best of my knowledge in Mississippi.
- Q And his father's name was Philip? A His father's name was Philip Ward.
- Q Now did any of these Choctaw ancestors of yours own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Were any of them recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama? A Not that I know of sir. I couldn't tell you.
- Q Did any of them speak the Choctaw language? A I couldn't tell you that.
- Q Did any of them go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, between 1833 and 1838? A I couldn't tell you that sir.
- Q Did any of them within six months after the ratification of the Treaty of 1830, tell the United States Indian Agent that they intended to stay in Mississippi and take land there? A I couldn't tell you that.
- Q Did any of them own any land or claim any under Article XIV of the Treaty of 1830? A No sir, not that I know of.
- Q Or under any other article of the Treaty of 1830 than Article XIV, or under the supplement? A I couldn't tell you that.
- Q In accordance with the provisions of the fourteenth article of the Treaty of 1830, the United States Indian Agent, Colonel Ward, was instructed by the United States Government to make a list of the names of the Choctaw claimants who claimed benefits under article XIV of the treaty of 1830, and who came before him within six months from the ratification of that treaty and told him that they intended to stay in Mississippi and take land there and become citizens of the United States. This Indian Agent failed to record the names of most of the Indians who came before him as claimants under Article XIV. Ward's list, known as Ward's Register, has but the names of a small fraction of the whole number who came before him within that time, and this neglect on the part of the Agent caused many Indians to lose their land in Mississippi and Alabama. The Government sold them at its public land sales. This caused a great many complaints on the part of those Choctaw Indians, so that in 1837 Congress appointed a Commission. This Commission went to the State of Mississippi and heard claimants under article fourteen and made a list of the names of all successful claimants. In 1842 Congress appointed another Commission, and this Commission made also a list of the names of successful claimants under Article XIV, whose claims had been proven be-

(5).

fore that Commission. Do you know if any of your Choctaw ancestors appeared before the Commission of 1837 or the Commission of 1842 and claimed any benefits or rights or privileges under Article XIV of that treaty? A Not that I know of.

Q The Act of Congress approved August 23, 1842, provided that if a Choctaw Claimant came before it and proved his claim, if it also appeared that he had previously had his land taken from him by the Government of the United States, that he should be entitled to select land, either in Mississippi, Alabama, Louisiana or Arkansas and that he should receive a certificate to that effect. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government? A Not that I know of.

Q Have you any documentary evidence you want to give me now? A Yes sir.

Certified copy of the affidavit of Henry Ward presented by this applicant, received, filed, marked Exhibit "A", and made a part of the record in this case.

Certified copy of the affidavit of Susan Ward, presented by this applicant, received, filed, marked Exhibit "B", and made a part of the record in this case.

Certified copy of the affidavit of Minerva Anderson presented by this applicant, received, filed, marked Exhibit "C" and made a part of the record in this case.

Certified copy of the affidavit of E. Bingham, presented by this applicant, received, filed, marked Exhibit "D", and made a part of the record in this case.

Certified copy of the affidavit of Susan Ward presented by this applicant, received, filed, marked Exhibit "E", and made a part of the record in this case.

Q Have you any other evidence you want to submit? A Nothing only my uncle will testify to me being his relative.

A reasonable time will be allowed this applicant in which to file other documentary evidence if he desires. Also proof of the marriage of his father and mother.

A Also my marriage license? To get that?

Q Yes, the proof of the marriage of yourself and your wife. Do you speak or understand the Choctaw language? A I do not.

Q Is there anything more you want to say? A That's all.

Q Have you any witnesses you want to present now before the Commission? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes, medium dark complexion, brown hair and moustache. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 10th day of November, 1901.

Clara Mitchell Wood
Notary Public,

Muskogee, Indian Territory, November 29, 1901.

William H. Ward,

Buckhorn, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between Will Ward and Ada Merrill, which you offer for filing in support of your application for the identification of yourself and your minor child as Mississippi Choctaws. The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

MC 3616

Muskogee, Indian Territory, January 7, 1902.

W. H. Ward,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the first instant, inclosing certified copy of the record of marriage between Wesley Ward and Evelyn Hasty, which you offer for filing in support of the application for identification as Mississippi Choctaws of William H. Ward, et al. and Lular McIlure, et al. The same has been filed and made a part of the record in this case and will receive consideration in the disposition of the applications.

Yours truly,

Commissioner in Charge.

MC 3816
ME 3450

Miss. Choctaw 3818

Muskogee, Indian Territory, November 3, 1902.

Will H. Ward,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 29, 1902, asking to be informed if the evidence in support of your application for identification as a Mississippi Choctaw is sufficient to warrant you in taking up land and making improvements thereon.

In reply to your letter you are advised that it appears from our records that you are an applicant for the identification of yourself and your minor child, Alma F. Ward, as Mississippi Choctaws. The Commission is now considering the evidence in support of your application for identification as a Mississippi Choctaw, and it is probable that within the near future a decision will be rendered. As soon as a decision is reached you will be notified of the action of the Commission.

Relative to holding land in the Choctaw-Chickasaw country, your attention is invited to the following provision of the agreement recently entered into between the United States and the Choctaw and Chickasaw Nations, approved by an act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations, September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Your status is that of an applicant for the identification of yourself and your minor child as Mississippi Choctaws whose rights have in no manner been determined by the Commission, and it is not believed that the benefits of the above legislation would accrue to applicants until they have been duly identified by this Commission as Mississippi Choctaws entitled allotment, and it is not believed that you are in any way entitled at this time to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

COPY

Muskogee, Indian Territory, April 17, 1903.

William H. Ward,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of David Clark Ward, et al., embracing the following applications for identification as Mississippi Choctaws:

David Clark Ward, et al.,	M C R 539
George D. Ward, et al.,	M C R 540
Thomas J. Ward,	M C R 541
Julia Burleson, et al.,	M C R 542
Dollie E. Hodges, et al.,	M C R 548
Jesse D. Ward,	M C R 1290
Sallie L. Hobbs, et al.,	M C R 1291
Donie L. Godfrey, et al.,	M C R 1292
Robert L. Ward,	M C R 1430
Thomas J. Ward, et al.,	M C R 1440
William Henry Ward, et al.,	M C R 3816
Lula McClure, et al.,	M C R 3830
Lewis Byrt Ward, et al.,	M C R 787

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David Clark Ward, Ky Ward, Roney Ward, Mack Ward, Ola Ward, George D. Ward, James E. Ward, Alfaretta Ward, Thomas J. Ward, Julia Burleson, Aaron David Burleson, Georgia Burleson, Abbie Lee Burleson, Tommy Burleson, Dollie E. Hodges, Eva Cornelius Hodges, Jesse D. Ward, Sallie L. Hobbs, Roy L. Hobbs, Arner Hobbs, Luella Hobbs, Florence Hobbs, Donie L. Godfrey, Robert L. Godfrey, Gladys M. Godfrey, Robert L. Ward, Thomas J. Ward (2), Leila Ward, Leola Ward, William Henry Ward, Alma Fay Ward, Lular McClure, Paschal McClure, Marshal McClure, Daisy McClure, Forast McClure, Mabel McClure, Ray McClure, Lewis Byrt Ward, Charles M. Ward and Mary Ethel Ward, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that y u will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED *Jams Bixby.*

Registered.

Chairman.

W. O. B.

COMMISSIONERS:
TAMM BERRY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE.
WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
M.C.R. 3816

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 17, 1905.

William H. Ward,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 2nd day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of David Clark Ward et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,



Chairman.

Muskogee, Oklahoma, June 11, 1909.

Mr. William H. Ward,
Durant, Oklahoma,

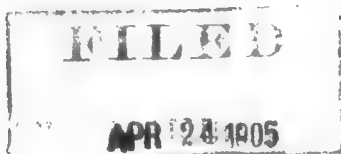
Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of David Clark Ward et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB



Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



MCR 3816

William H. Ward,

Durant, Indian Territory

No. 3816

For Identification as a Mississippi Choctaw.

Date OCT 23 1901

Name William H. Ward,

Age 36.

Blood 1/8

Post Office, Buckhorn, D. T.

Father: John W. Ward, l

Mother: Eveline " , d.

Claims through father,
wife Lucy A. Ward, m
No claim for wife,

Children:

Alma F. Ward, 8 m,

Claims for self &
child,

Stenographer Hal Belford

Choctaw MCR 3817

William A. Edwards

See MCR 85

MCR 3817

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 23, 1901.

In the matter of the application of William A. Edwards
et al., for identification as Mississippi Choctaws, heard at Atoka,
Indian Territory, October 23, 1901. M.C.3817.

In the matter of the application of Benjamin A. Edwards
for identification as a Mississippi Choctaw, heard at Atoka, Indian
Territory, October 23, 1901. M.C.3818.

L.D.Horton, Attorney for above applicants.

Benjamin F. Miller, being sworn as a witness in the
above entitled causes, upon his oath testified as follows.

Examination by Attorney L. D. Horton.

- Q State if you are acquainted with the applicant, William A. Edwards? A Yes, I am acquainted with him---ought to be, I have known him ever since we was boys.
- Q State who his father was? A His father was Austin Edwards.
- Q Well now then, who was Austin Edwards' father? A Billy Edwards.
- Q Was he your grandfather, also? A Yes.
- Q He is the one through whom you claim citizenship also? A Yes.
- Q Now then, state if you are acquainted with Benjamin A. Edwards.
- Q Well, first state your name, age and residence. A Mine?
- Q Yes sir. A Well, I am fifty four years old.

By the Commission.

- Q Your name is Benjamin F. Miller, is it? A Yes, sir.
- Q What is your age? A Fifty-six.
- Q What is your residence---past Office address? A Durant.

(2).

- Q What is your occupation? A Farmer.
Q Are you an applicant before this Commission for identification as a Mississippi Choctaw? A Yes, sir.
Q When did you appear here? A Last June, a year ago.
Q A year ago last June? A Yes, sir.
Q At what place? A Colbert.
Q What disposition has ever been made of your case, do you know?
A Still hanging.
Q Still pending? A Yes, sir.
Q Are you acquainted with Benjamin A. Edwards? A Yes, sir.
Q Related to him? A Yes, sir.
Q What kin are you to him? A Well me and his father is own cousins.
Q You are own cousins? A Yes, sir.
Q This is a second cousin then? A Yes.

By Attorney.

- Q Well now, whose son is he? A He's Bill Edwards' son.
Q Son of William A. Edwards who has just applied to the Commission?
A Yes, sir.

By the Commission.

- Q Well, how do you know. What means have you of knowing his relationship. Do you testify as a stranger or just a chance acquaintance, or one who knows him well and have lived near him and akin to him? A No, he don't live near me now.
Q State what your chances for knowing who he is are or have been. You might be a perfect stranger to him. I don't know whether you are or not.

By Attorney.

- Q State the first time you ever saw him? A Well, its been ten or twelve years ago. He lived a good piece from me now.
Q Well, did you know him in Mississippi? A No, I didn't know him in Mississippi.

By the Commission.

- Q How many times did you ever see him in your life? A Twice.
Q What? A Only twice.
Q What is that? A Twice.
Q Seen him twice in all your life? A Yes. That's the boy.

Witness excused.

(5)

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled causes on October 23, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said causes on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 26th day of October, 1901.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 23, 1901.

#3517.

In the matter of the application of William A. Edwards
for the identification of himself and his three minor children as
Mississippi Choctaws.

Applicant represented by L. D. Horton, Attorney.

William A. Edwards, being first duly sworn, upon his
oath, testified as follows:-

Examination by the Commission.

- Q What is your name? A William A. Edwards.
Q William A. What? A Edwards.
Q What is your age? A Well, I am past sixty-three ever since the
fourth of August. I am in sixty-four.
Q What is your Post Office address? A Desdemonia, Texas.
Q How long have you lived there? A I have lived there about eleven
months.
Q Where did you live before you lived in Desdemonia? A Sir?
Q Where did you live before you lived there? A In Mississippi.
Q What place in Mississippi? A Pontotoc County.
Q Were you born there in that county? A No, sir, I was born in
South Carolina.
Q What place in South Carolina? A Spartanburgh District.
Q How long did you live in that state before you went to Mississip-
pi? A Why, I don't reckon very long. I was so small I don't
recollect anything about it.
Q And how long did you live in Mississippi? A Well, I have lived
there ever since.
Q Most all of your life? A Yes, sir.
Q Till you went to Texas. When did you get to Texas? A I got
there the 22nd day of last November---isn't quite a year.
Q What is your father's name? A Austin.
Q Full name? Austin Edwards? A Austin Edwards.

(2).

- Q Is he living or dead? A He's dead----died when I was quite small.
- Q Is your mother living or dead? A She's dead.
- Q What was her name? A Polly.
- Q P-o-l-l-y . Through which parent do you claim Choctaw blood?
- A On my father's side.
- Q How much Choctaw blood do you claim through your father? A Well, he was said to marry a Choctaw.
- Q How is that? A Well, he was claimed to marry---my grandfather was a Choctaw.
- Q Yes; how much Choctaw blood do you claim through your father?
- A I couldn't tell you, I reckon.
- Q You don't know how much? A No.
- Q Never figured it out? A No, sir.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities? A No, sir. If he was I never knewed anything about it.
- Q When were your father and mother married? A They must have been married in about thirty-eight, I reckon.
- Q Thirty-eight? A Yes, sir.
- Q Where were they married, do you know? A They was married in South Carolina.
- Q By a minister under a license? A Well, I couldn't----I don't know. I couldn't tell you.
- Q You haven't the proof of your marriage with you? A No, sir, I haven't the proof.
- Q Do you think you could get evidence of their marriage? A Well, I might by writing back to South Carolina. Well, I don't know whether I could or not, they are all dead. All old you know and passed away.

Reasonable time will be allowed applicant in which to endeavor to produce evidence of the marriage of his father and mother.

- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Martha.
- Q Martha Edwards. Does she claim any Choctaw blood? A No, sir she don't claim any.
- Q She's a white woman then? A She's a white woman.
- Q Do you make any claim for her? A No, sir, I don't make any claim.
- Q Have you children under twenty-one years of age and unmarried that you want to make application for? A I have got three.
- Q Under age and unmarried? A Yes, sir.
- Q What is the name of the oldest? A Fletcher.
- Q Fletcher, Fletcher Edwards? A Yes, sir.
- Q How old is Fletcher? A He's about eighteen----maybe a little past.
- Q What is the name of the next? A Clarence.
- Q How old is Clarence? A He was sixteen or seventeen in March----seventeen, I think.
- Q Next March? A Last March----be eighteen next March.
- Q What is the name of the next? A Lou Mitchell----she's a girl.
- Q L-o-u ? A Yes, sir.
- Q How old is she? A She was twelve years old sometime in April, I think----the 4th of last April.

(3).

- Q That's all you wish to apply for? A Yes, sir.
- Q You claim for yourself and children? A Yes, I claim for myself and Children.
- Q When and where were you married to your wife, Martha? A I was married in Pontotoc County, Mississippi.
- Q In what year and what day of the month? A Well, I don't know as I could tell you exactly the month. I could tell you the year though---I was married in '78.
- Q You can't tell the month? A No---well, I was married sometime in November.
- Q By a minister? A Yes, sir, I was married by a minister.
- Q Under a license? A Yes, sir.
- Q You will be given reasonable time in which to introduce testimony of the marriage of yourself and your wife---either marriage license and certificate, or certified copies. Is your name or the names of your children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory---here in the Territory? A No, not that I know of.
- Q Never had them enrolled did you as Choctaw Indian? A No, sir.
- Q Did you ever make application for citizenship in the Choctaw Nation, for yourself or children to the Choctaw Tribal, Authorities? A No, sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
- Q Is this the first application for citizenship in the Choctaw Nation you ever made for yourself and children to the Choctaw Tribal Authorities or the United States Authorities? A Yes, sir.
- Q Do you now come before the Commission in order that you may identify yourself and these children as Mississippi Choctaws under Article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? Article fourteen, do you understand it and know what it means---know what it provides? A Well, I don't know really that I do.
- Q You know what a treaty is? A Yes, sir, I know what a treaty is.
- Q Do you know what an article in a treaty is? It is one of the sub-divisions of it---one of the sections of it---one of the parts of it. They are numbered from one up to as many articles as there are in the treaty. A No, I don't know as I understand it.
- Q Well, the treaty of 1830, made between the United States Government and the Choctaw Indians, who at that time lived in the old Choctaw Nation in Mississippi and Alabama---A. Yes, sir.
- Q It was made at a place called Dancing Rabbit Creek in Mississippi and the object of that treaty was to effect the removal of all of the Choctaw Indians who lived in the old Choctaw Nation, from that Nation---A From that State?
- Q From that state to the New Choctaw Nation here in the territory. A Yes, sir.
- Q Before the treaty was signed it became known that a good many of the Indians would refuse to come---that they wouldn't come. The Government as well as the other Indians wanted to make some provision for them, and the Indians wouldn't sign the treaty unless some provision was made for them. That provision was made by

(4).

drafting article fourteen which was put into the treaty, (as I tell you, an article in a treaty is just a sub-division or a part of it). Now article fourteen of the treaty of 1830 reads as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830, put into that treaty for the benefit of the Mississippi Choctaws. Do you claim under that article? A Well, I reckon now---I was small I don't recollect. I couldn't tell you anything.

- Q Well, do you claim under the article? A Yes, sir, I claim under the article.
- Q And do you understand it as read and explained to you? A Yes, sir, I understand it.
- Q How do you know if any of your ancestors ever complied or attempted to comply with any of the provisions of that article? A No, sir, I couldn't tell you.
- Q What is the name of your Choctaw ancestor who lived in Mississippi in 1830? A It was Edwards----old Billy Edwards, my grandfather.
- Q What year were you born in? A I was born in '39.
- Q In '39? A Yes, sir.
- Q In Mississippi? A No, sir, I was born in South Carolina. My father though went to Mississippi when I was quite small. I was so small I can't recollect anything about it.
- Q Where did your father die? A He died in Mississippi?
- Q When? A I reckon he died about '50.
- Q '50? A Somewhere there-about.
- Q Was he living in Mississippi in 1830 do you know? A 1830? No, sir, he wasn't living in Mississippi. His father though was.
- Q His father was living in Mississippi in 1830. What was his father's name? A William.
- Q That's Willy? A Yes, that was old Billy Edwards.
- Q That's the one you claim under? A Yes, sir.
- Q Now did he have a Choctaw name, Billy Edwards? A Well, now, I don't know.

(5).

- Q Did he speak the Choctaw language? A I don't know now. I was small, you knew, and I couldn't recollect.
- Q Where was Billy Edwards born? A I rather think he was born in Virginia. I don't know though.
- Q You don't know? A No. I rather think, though, that he was.
- Q What makes you think he was born there? A Well, I have heard him---older ones speak of some of them coming from Virginia, way back, you know.
- Q Well now, if Billy Edwards was born in Virginia, where did he get his Choctaw blood? A Well, I couldn't tell you, sir. I may be mistaken about him being born there. I couldn't tell positive about that. I think, though, that I have heard that.
- Q Do you know how much Choctaw blood he had? A No, sir, I don't know.
- Q Do you get any Choctaw blood through anybody yourself, except through your grandfather, Billy Edwards? A No, sir.
- Q Now did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A Well, I don't know.
- Q Or in Alabama? A I couldn't tell you whether they did or not.
- Q Did any of your Choctaw ancestors within six months after the ratification of this treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there? A I couldn't tell you that. I couldn't tell you whether they did or not. I was small and don't remember.
- Q Did any of your Choctaw ancestors to your knowledge go from Mississippi or Alabama to the Choctaw Nation in the Indian Territory here? A Well, there was some of them come to this Nation, but I don't know whether they come from Alabama or not.
- Q Well, did they come from Alabama or Mississippi to this Nation between 1833 and 1836? A Well, I don't know.
- Q Did any of your Choctaw ancestors claim or own any land in Mississippi or Alabama from the Government under article fourteen of the treaty of 1830? A No, sir, I don't think they did in Mississippi or Alabama. I couldn't say. I think some of them---No I don't know either, I was small and I don't know.
- Q Did they claim or receive any benefits or any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No, sir, I don't think they did sir.
- Q The provisions of article fourteen of the treaty of 1830 required that Choctaw Indians who stayed in Mississippi were obliged to go to the United States Indian Agent within six months after the ratification of that treaty and tell him that they intended to stay in Mississippi and take land there. The government required that this Indian Agent should take a list of the names of all of those Indians that did that, make a record of it, and send it to the government. Ward's register contains the names of only a few of the Indians of all the number that went to him within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. This neglect of Colonel Ward's to make a proper record in the other cases, or properly record other cases, caused the land to be taken from a great many Choctaw Indians who had land in Mississippi upon which they had improvements. A Yes, sir.
- Q And this land was sold by the Government at public land sales. This caused a great many complaints on the part of the Indians so that in 1837 Congress, by an Act approved March 3rd, of that year

(6) .

appointed a Commission. This Commission went to the State of Mississippi and heard claimants under article fourteen and approved of some of the claims, and made a list of the names of those that they approved. In 1842 another Commission was appointed by Act of Congress approved August 23, of that year, and they made lists of the names of successful claimants who claimed benefits under article fourteen of that treaty. Did any of your Choctaw Ancestors, to your knowledge, appear before either the Commission of 1837 or the Commission of 1842, and claim benefits under article fourteen? A No, sir, I don't know about that.

- Q The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, and that their land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that certificates to that effect should be given. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government of the United States as Choctaw Indians? A No, sir, not that I know of.
- Q Have you any documentary evidence that you want to present now? A No, sir.
- Q Would you like time in which to present it in support of your claim? A No, sir, I don't know that I have got any.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of this application. Also for the introduction of testimony of witnesses if he desires. Reasonable time will also be allowed for the filing of proof of the marriage of the father and mother of this applicant, and also proof of his own marriage.

- Q Is there anything more you want to say in support of your application, Mr. Edwards? A No, sir, I don't know as there is.
- Q Can you speak or do you understand the Choctaw language? A No, sir, I can't speak it.
- Q Do you want to ask him any questions Mr. Horton? A Yes, just a few.

By Attorney, L. D. Horton.

- Q From whom, Billy, did you learn the fact that you were part Choctaw Indian. That is how long have you known it. A Well, it's been pretty near ever since I can recollect.
- Q Well, now, who told you of this fact? A Well, the first that I knowed of it was my grandmother.
- Q Is that the wife of Austin Edwards? A No, that was my grandfather's wife, grandmother.
- Q Was you personally acquainted with your grandfather, William Edwards? A Yes, sir.
- Q What was his physical appearance? A Well, he followed coopering all the time.
- Q Well, I mean as to his complexion. Did he look like a white man or an Indian. A Well, he was pretty dark skinned.
- Q State whether or not it was a fact that the family was known

(7).

there as Indians? A Well, yes, they claimed to be.

Q What kind of Indians, Billy? A Well, I thought they called them the Chickasaw.

Q Chickasaw? A Yes, sir, but I was small and I don't recollect much about it.

Q Now what County did you state that was in? A That was in Mississippi.

Q What County? A Pontotoc County. When I left South Carolina I was so small I couldn't recollect, and several years after I lived there I was small you know, and I didn't pay much attention to it.

By the Commission.

Q Cork N. Savage, Joseph L. Weaver, John L. Miller, Mary Lee Horton, Della Peaks, Daniel R. Miller, Benjamin F. Miller, James L. Miller, Jess S. Miller, Mary J. Ashlock, David J. Edwards, and Annie Fleming have all made application before this Commission for identification as Mississippi Choctaws, claiming through a common ancestor, Billy or William Edwards, the same ancestor through whom you claim. Do you want to have the testimony and records in their cases examined and made a part of the record of your own that you may get the benefit of what they have testified to? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; black eyes; sandy grayish hair. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 23rd day of October, 1901.

Charles H. Sawyer

Notary Public.

COPY.

Puckogee, Indian Territory June 10, 1902.

William A. Edwards,

Desdemonia, Texas.

Dear Sir:-

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John L. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

John L. Miller,	M.C.R.	85
Benjamin F. Miller, et al.,	M.C.R.	86
Joseph Lavina Weaver, et al.,	M.C.R.	87
James L. Miller, et al.,	M.C.R.	227
Mary Lee Horton, et al.,	M.C.R.	228
Jess S. Miller,	M.C.R.	230
Della Peck, et al.,	M.C.R.	293
Mary Jane Ashlock, et al.,	M.C.R.	610
Daniel R. Miller, et al.,	M.C.R.	931
David J. Edwards, et al.,	M.C.R.	1695
Cora N. Savage, et al.,	M.C.R.	3108
Annie Fleming,	M.C.R.	3627
William A. Edwards, et al.,	M.C.R.	3817
Benjamin A. Edwards,	M.C.R.	3818
Jesse J. Edington, et al.,	M.C.R.	3836
Albert Caswell Edwards, et al.	M.C.R.	4068

These applications were made under the provision of the

Act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine

W. A. E. #2

witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John L. Miller, Benjamin F. Miller, Eddie Miller, Tommie Miller, Elijah Miller, Mattie Miller, Sammie Miller, Charlie Miller, Johnnie Miller, William Miller, Joseph Lavina Weaver, Benjamin Wesley Weaver, Cora May Weaver, James L. Miller, Richard Floyd Miller, Mary Lee Horton, Luther Dalzey Horton, Jess S. Miller, Della Peck, Lula C. Peck, Robert A. Peck, Edna Peck, Dewey E. Peck, Mary Jane Ashlock, Tully O. Ashlock, Minerva J. Ashlock, James Oliver Ashlock, Daniel R. Miller, James Miller, William Miller, Elijah Miller, Mary Miller, Annie Miller, Auba Phillips, Ora Phillips, Annie Belle Phillips, Robert Barbee, David J. Edwards, George H. Edwards, David C. Edwards, Leslie Edwards, Lessie Edwards, Cora M. Savage, Longden J. Savage, Annie Fleming, William A. Edwards, Fletcher Edwards, Clarence Edwards, Lou Mitchell Edwards, Benjamin A. Edwards, Jesse J. Edington, Minnie Edington, Rubie Edington, Mary Edington, Lewis Edington, Albert Caswell Edwards, Merida Rachel Edwards and Worthy Anderson Edwards as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

RECEIVED

T. D. Woodlee.

Registered.

Commissioner in Charge

CC 7

M. C. R. 3817.

Muskogee, Indian Territory, October 14, 1902.

William A. Edwards,

Deedemonia, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John L. Miller, et al., of which decision you were advised by registered mail on the 10th day of June, 1902.

Respectfully,

E. B. G. [Signature]
Commissioner in Charge.

COPY

MCR-3817

Muskogee, Indian Territory, January 15, 1907.

William A. Edwards,
Desdemonia, Texas.

Dear Sir:-

You are hereby notified that on January 5, 1907, the Secretary of the Interior denied a motion, filed June 20, 1906, by L. D. Horton, for a reopening of the consolidated Mississippi Choctaw case of John L. Miller et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED *James Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date

OCT 23 1901

Name William A. Edwards.

Age 63

Blood don't know.

Post Office, Wademonia, Texas.

Father: Austin Edwards. d

Mother: Polly " d

Claims through father
 wife: Martha Edwards; w.
 No claim for wife.

Children:

Fletcher Edwards, 18
 Clarence " 17
 Lou M, "(sue) 12

Claim for self &
 children.

Stenographer

Hal Belford

Choctaw MCR 3818

Benjamin A. Edwards

See MCR 85

MCR 3818

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 25, 1901.

#3818.

In the matter of the application of Benjamin A. Edwards
for identification as a Mississippi Choctaw.

Applicant represented by L. D. Herton, Attorney.

Benjamin A. Edwards, being first duly sworn, upon his
oath testified as follows:-

Examination by the Commission.

- Q What is your name? A Edwards. Asberry Edwards.
Q Well now, you will have to spell that first name for me? A A-s-
b-e-r-r-y .
Q What is your age? A Twenty-six.
Q What is your post office address? A Dandemonia, Texas.
Q How long have you lived there? A About eleven months.
Q Where did you live before you lived at Dandemonia? A Mississippi.
Q Where were you born? A Mississippi.
Q What part? A Pontotoc County.
Q How long did you live in Mississippi? A Ever since I was born.
Q Until you went to Dandemonia? A Yes, sir.
Q Never lived out of the state? A No, sir.
Q What is your father's name? A William.
Q William Edwards? A Yes, sir.
Q He just appeared before the Commission? A Yes, sir.
Q Do you claim through him? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is her name? A Martha.
Q Do you claim any blood through her, Choctaw blood I mean? A No,
sir.
Q You claim your Choctaw blood through your father then, do you?
A Yes, sir.
Q How much do you claim? A Well, I don't know how much it is.

(2).

- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No, sir.
- Q When and where were your father and mother married? A Married in Pontotoc County, Mississippi.
- Q Do you remember the date? A No sir, I don't.
- Q You haven't the proof of their marriage with you? A No sir.

Reasonable time will be allowed applicant in which to introduce testimony or evidence of the marriage of his father and mother.

- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Nora.
- Q Do you claim anything for her? A No, sir.
- Q She is a white woman then? A Yes sir.
- Q Have you any children you want to make application for? A No, I haven't any children.
- Q Just claim for yourself? A Yes sir.
- Q When and where were you married to your wife? A The 18th of last November.
- Q The 18th of last November? A Yes, sir.
- Q Where? A Pontotoc County, Mississippi.
- Q By a minister under a license? A Yes, sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No, sir, not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No, sir, I have not.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
- Q Is this the first application of any kind that you have ever made for enrollment as a citizen of the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes, sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I think I understand it pretty well.
- Q You have heard it read a number of times have you? A Yes sir, and read it myself several times.
- Q Do you think you understand it well enough to waive a further explanation? A Well, I guess so.
- Q Well, I will read it to you. The treaty of Dancing Rabbit Creek or the treaty of 1830, was made in Mississippi, September 27, 1830 between the United States Government and the Choctaw Tribe of Indians, who at that time lived in the old Choctaw Nation partly in Mississippi and partly in Alabama. The object of the treaty was the removal of all of these Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to

(3).

the Choctaw Nation Indian Territory, and in order to protect their interests article fourteen was put into the treaty. This article fourteen pertained to the rights of the Mississippi Choctaws; that is, those Choctaws who stayed back there in the old nation, and as its provisions were satisfactory to them, to the Choctaw Indians who afterwards went to the new Choctaw Nation in the Indian Territory, and to the United States Government, after it was inserted in the treaty the treaty became satisfactory to everybody and it was signed by the representatives of both nations. Now article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that now? A Yes, sir, I think so.
- Q Do you know if any of your Choctaw ancestors complied with any of the provisions of that article of that treaty? A No, sir I don't know.
- Q What was the name of your ancestor who lived in Mississippi in 1830? A Billy Edwards.
- Q What relation was he to you? A He was my great-grandfather.
- Q Your father's father? A Yes, sir.
- Q How much Choctaw blood did you ever hear he had, Billy Edwards? A I have heard them say he was a half.
- Q Your father is how old now? A Sixty-four.
- Q He was born in 1839, was he? A Yes sir.
- Q Where was he born? A South Carolina.
- Q South Carolina? A Yes, sir.
- Q When was his father born? His father? A Well, I couldn't tell you.
- Q What was his father's name? A Austin.
- Q Austin Edwards. Did he claim through his father? A Yes sir.
- Q Did he, your father, claim through his father or mother? A He claimed through his grandfather.
- Q That is, through his father and then his grandfather. That is it came down the male side, didn't it? A Yes, the man's side.

(4).

- Q Well now, do you know whether Billy Edwards, your great-grandfather, lived in Mississippi in 1830, and was the head of a family there at that time? A Yes sir, I suppose he did.
- Q Do you get that as a matter of family history and tradition? A Yes sir.
- Q Have you any proof of it except what you have heard in the family? A No sir.
- Q Could Billy Edwards, your great-grandfather, talk Choctaw? A I don't know.
- Q Did he have an Indian name? A Not that I know of. I couldn't tell though---I don't remember.
- Q Did he own any improvement on land, or any of your ancestors in 1830, in Mississippi or Alabama? A No, sir.
- Q Did any of your Choctaw ancestors come from Mississippi or Alabama to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A No, sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent that they intended to stay in Mississippi and take land there do you know? A No, sir.
- Q Did any of your Choctaw ancestors own or claim any improvement on land in Mississippi or Alabama in 1830, as Choctaw Indians from the United States Government, under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors claim any land, or any benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time, was instructed by the United States Government to make a list of the names of all Choctaw Indians who came before him within six months after the ratification of the treaty of Dancing Rabbit Creek, and told him that they wanted to stay in Mississippi, take land there, and become citizens of the States. This Agent made a very small list of the claimants who came before him. That list contained the names of but a fractional part of the whole number of Indians who actually came before him and made declarations of intentions to stay in Mississippi, and to take land there, as required under article fourteen and this negligence on the part of the United States Indian Agent caused a great many Indians who held land in Mississippi upon which they had improvements to lose both their lands and the improvements upon it. They were taken and sold by the government at its public land sales. This caused a great many complaints on the part of the Indians, so that in 1837 by Act of Congress approved March 3, of that year, Congress appointed a Commission: this commission went to the State of Mississippi and heard all of the Choctaw Indians who desired to appear before it as claimants under article fourteen and made lists of the names of successful claimants who proved their claims before it. In 1842 another Commission was appointed by Act of Congress for the same purpose, and this Commission heard claimants under article fourteen and made lists of the names of successful claimants, who came before it. Do you know whether of all your Choctaw ancestors any came before either the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I don't.
- Q The Act of Congress approved August 23, 1842, provided that if

(5).

any Choctaw Indian came before that Commission and proved his rights to benefits under article fourteen of the treaty of Dancing Rabbit Creek, if it further appeared that his land had been previously taken from him, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate should be given to him to that effect. These certificates were called scrip. Did any of your Choctaw Ancestors claim any such scrip from the Government as Choctaw Indians? A No, sir.

- Q Have you any documentary evidence now that you want to present in support of your case? A No, I believe not.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Do you want the testimony given by your father, William A. Edwards considered with yours that you may get the benefit of what he testifies to? A Yes, sir.
- Q Do you want time in which to file documentary evidence in this case? A Yes, sir.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of this application which he makes for himself for identification as a Mississippi Choctaw. Also for the introduction of the testimony of witnesses if he desires, and also to prove the marriage of his father and mother.

- Q Do you know of any others of your kin who have made application before this Commission for identification? A No, sir.
- Q Are you acquainted with Cora N. Savage? A Yes.
- Q John L. Miller, Joseph L. Weaver, Mary Lee Horton, Della Peaks Daniel R. Miller, Benjamin F. Miller, James L. Miller, Jess S. Miller, Mary J. Ashlock, David J. Edwards, Cora N. Savage, and Annie Fleming have all made application before this Commission for identification as Mississippi Choctaws, claiming through a common ancestor, Billy or William Edwards, the same ancestor through whom you claim. Do you want to have the testimony and records in their cases examined and made a part of your own, that you may get the benefit of what they have testified to? A Yes, sir.
- Q Do you want to ask him any questions, Mr. Horton? A No, I don't care to ask him any.

This applicant has the appearance and physical characteristics of being descended from white parentage: dark complexion, dark eyes, and dark brown hair. Has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 23rd day of October, 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, November 23, 1901.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty first instant, inclosing the affidavits of Elizabeth Johnson and F. A. Johnson, which you offer for filing in support of the application for identification as a Mississippi Choctaw of Benjamin A. Edwards. The same have been duly filed with the record in this case.

Yours truly,

Acting Chairman,

11-23-01

COPY.

M.C.R. 3318

Muskogee, Indian Territory June 10, 1902.

Benjamin A. Edwards,

Deadenonia, Texas.

Dear Sir:-

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John L. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

John L. Miller,	M.C.R.	86
Benjamin F. Miller, et al.,	M.C.R.	86
Joseph Lavina Weaver, et al.,	M.C.R.	87
James L. Miller, et al.,	M.C.R.	227
Mary Lee Horton, et al.,	M.C.R.	228
Jess S. Miller,	M.C.R.	230
Della Peck, et al.,	M.C.R.	293
Mary Jane Ashlock, et al.,	M.C.R.	310
Daniel R. Miller, et al.,	M.C.R.	931
David J. Edwards, et al.,	M.C.R.	1895
Gora N. Savage, et al.,	M.C.R.	3108
Annie Fleming,	M.C.R.	3627
William A. Edwards, et al.,	M.C.R.	3817
Benjamin A. Edwards,	M.C.R.	3818
Jesse J. Edington, et al.,	M.C.R.	3836
Albert Caswell Edwards, et al.	M.C.R.	4068

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make

B. A. R. #2

report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John B. Miller, Benjamin F. Miller, Eddie Miller, Tommie Miller, Elijah Miller, Mattie Miller, Sammie Miller, Charlie Miller, Johnnie Miller, William Miller, Joseph Lavina Weaver, Benjamin Wesley Weaver, Cora May Weaver, James L. Miller, Richard Floyd Miller, Mary Lee Horton, Luther Dudley Horton, Jess S. Miller, Della Peck, Lula C. Peck, Robert A. Peck, Edna Peck, Dewey E. Peck, Mary Jane Ashlock, Tully O. Ashlock, Minerva J. Ashlock, James Oliver Ashlock, Daniel R. Miller, James Miller, William Miller, Elijah Miller, Mary Miller, Annie Miller, Auba Phillips, Ora Phillips, Annie Belle Phillips, Robert Barbee, David J. Edwards, George H. Edwards, David C. Edwards, Leslie Edwards, Lessie Edwards, Cora N. Savage, Longdon J. Savage, Annie Fleming, William A. Edwards, Fletcher Edwards, Clarence Edwards, Lon Mitchell Edwards, Benjamin A. Edwards, Jesse J. Edington, Winnie Edington, Rubie Edington, Mary Edington, Lewis Edington, Albert Caswell Edwards, Merida Roshel Edwards and Worthy Anderson Edwards as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Registered.

Commissioner in Charge.

CONF. M. O. N. 3018.

Muskogee, Indian Territory, October 14, 1902.

Benjamin A. Edwards,
Dandemonia, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John L. Miller, et al., of which decision you were advised by registered mail on the 10th day of June, 1902.

Respectfully,

E. T. McCallister,
Commissioner in Charge.

MCR-3818.

COPY

Muskogee, Indian Territory, January 18, 1907.

Benjamin A. Edwards,
Dandemonia, Texas.

Dear sir:-

You are hereby notified that on January 5, 1907, the Secretary of the Interior denied a motion, filed June 20, 1906, by L. D. Horton, for a reopening of the consolidated Mississippi Choctaw case of John L. Miller et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Thomas Bixby.*

Commissioner.

Choctaw MCR 3819

Pearl Barnett

Se'e MCR 934

MCR 3819

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 22, 1901.

96319.

In the matter of the application of Pearl Barnett for
the identification of herself and her two minor children as Missing-
1991 Shooters.

Applicant represented by W. H. Richey, Attorney.

Pearl Barnett, being first duly sworn, upon her oath
testified as follows:-

Examination by the Commission.

- Q What is your name? A Pearl Barnett.
Q P-e-a-r-l? A Yes, you had it right.
Q Barnett? A Yes, sir, B-a-r-n-e-t-t.
Q What is your age? A I'll be nineteen years old this coming
January---the 20th.
Q You are eighteen now, are you? A Yes, sir.
Q What is your Post Office address? A Ravenna, Texas.
Q What? A Ravenna, Texas.
Q How do you spell that? A R-a-v-e-n-n-a.
Q How long have you lived there, in Ravenna? A Sir?
Q How long have you lived in Ravenna? A Just since I have been
married the last five years.
Q Where did you live before that? A In the Nation---Territory.
Q In the Choctaw Nation? A Well, part of the time and part of the
time lived in the Chickasaw Nation.
Q Where were you born? A Chickasaw Nation.
Q What date? A In '85, I believe. In '83 I think.
Q In 1883. Do you remember the day of the month? A 18th.
Q 18th of what month? A Of January.
Q And you lived in the Chickasaw Nation did you until you went to
Texas? A Yes, sir.
Q And have lived in Ravenna since you have been in Texas? A No sir
I don't live in Ravenna.

(2).

- Q Been hear there? A Yes, sir.
Q What County? A Fannin County.
Q What is your father's name? A Miller.
Q How? A Miller.
Q What is the full name? A William J. Miller.
Q Has he appeared before the Commission for identification? A Yes, sir.
Q When, do you know? A No sir, not exactly.
Q Here in Atoka? A Yes, sir.
Q Is your mother living or dead? A She's dead.
Q What was her name? A Susan.
Q Through which parent do you claim Cheataw blood? A Through my father.
Q How much Cheataw blood do you claim? A I don't know exactly.
Q Has your father ever been recognized in any way or enrolled as a member of the Cheataw Tribe of Indians by the Cheataw Tribal Authorities or the United States Authorities in the Indian Territory? A I don't know.
Q When and where were your father and mother married? A I don't know that.
Q Have you proof of their marriage with you? A Sir?
Q Have you the proof of their marriage with you? A No, sir.
Q Reasonable time will be allowed you in which to introduce proper evidence proving their marriage. Are you married? A Yes, sir.
Q What is your husband's name? A Barnett. Alick Barnett.
Q A-l-e-e-k? A A-l-i-e-k.
Q Is he a white man? A Yes, sir.
Q Do you make any claim for him? A No, sir.
Q Have you children you want to make application for? A Yes, sir.
Q What is the name of the eldest? A Mary.
Q How old is Mary? A She'll be three years old this coming October.
Q Have you any others? A Yes, sir I have one.
Q What is the name? A Charlie.
Q C-h-a-r-l-i-e, how old is he? A Seven months old.
Q Is that all? A Yes, sir.
Q You claim for your two children and yourself do you? Claim for yourself and two children? A Yes, sir.
Q Is Alick Barnett the father of these children? A Sir.
Q Is Alick Barnett the father of these children? A Yes, sir.
Q Are you the mother? A Yes, sir.
Q They are living with you at your home, I presume? A Yes, sir.
Q When and where were you married to your husband? A Married in Fannin County, Texas.
Q Do you remember the date? A It was the 8th day of April.
Q What year? A '96.
Q By a minister under a license? A Yes, sir.
Q Were you ever married before your marriage to your husband? A No, sir.
Q And was he ever married before he married you? A No, sir.
Q Is your name on any of the Tribal Rolls of the Cheataw Nation in the Indian Territory? A Not that I know of.
Q Did you ever make application for citizenship in the Cheataw Nation to the Cheataw Tribal Authorities in the Indian Territory? A No, sir.
Q Did you ever make application for citizenship in the Cheataw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? Never did five years ago did you? A No, sir.

(3).

- Q Have you ever been admitted to citizenship in the Cheetaw Nation by either the Cheetaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No, sir.
- Q Is this the first application of any kind that you ever made for yourself and children, either to the Cheetaw Tribal Authorities or to the United States Authorities in the Cheetaw Nation for citizenship? A Yes, sir.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Cheetaw, and for the identification of these children for whom you are making application under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of the treaty of 1830? Do you know what that article means? A No, sir, I reckon not.
- Q Do you know what a treaty is? A No, sir, I don't.
- Q You know what a contract in writing is don't you. A Contract or agreement in writing? A Yes, sir.
- Q Well, that may be made between persons? A Yes, sir.
- Q Two or more persons may make a contract, in writing. It also may be a contract if made between one person and a corporation, or two or more corporations, but when two or more nations make an agreement in writing it is called a compact, c-o-m-p-a-c-t, or treaty. That is called that. Such a treaty was made between the Cheetaw Indians who lived in Mississippi and Alabama in the year 1830, and the United States Government. It was made at a place called Running Rabbit Creek in Mississippi, in that year, and the object of that treaty or compact, or agreement between those two nations, was the removal of one nation, that is the Cheetaws, from the old Cheetaw Nation in Mississippi and Alabama to the new Cheetaw Nation in the Indian Territory, a territory west of the Mississippi River, but before this treaty could be signed it became known that a large number of the members of that nation refused positively to go to the new Cheetaw Nation, Indian Territory, and something had to be done for them. Some provision had to be made in the treaty, and so article fourteen was drafted for their especial benefit. An article in a treaty is a part of it, a sub-division of it, or a section in it. Now article fourteen of the treaty of 1830 reads as follows:

"Each Cheetaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it persons who claim under this article shall not lose the privilege of a Cheetaw citizen, but if they ever remove are not to be entitled to any portion of the Cheetaw Annuity."

That is article fourteen of the treaty of 1830 which was put into that treaty for the protection of those Choctaw Indians who, in the years following 1830, remained in Mississippi instead of going to the Choctaw Nation Indian Territory with the other Indians. It said there, that if they stayed in Mississippi and selected land in Mississippi, and lived on it for five years all the time intending to become citizens of the United States, and had told the United States Indian Agent within six months after the ratification of the treaty of 1830 that they were going to stay in Mississippi, and wanted land there, and wanted to live upon it, then at the end of five years they not only could have a title to that land, but afterwards, if they wanted to go to the Choctaw Nation Indian Territory, they could do so and become a full citizen with the other Indians who lived here, and have a share in the lands here, but they couldn't share in the annuities which were given to the other Choctaw Indians who came under the other provisions of the treaty of 1830, between the years 1833 and 1836 and after that. Now do you think you understand the provisions of that article? A Yes, sir.

Q Do you know, having had it explained to you, as you understand it now, do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No, sir, I don't.

Q What was the name of your Choctaw ancestor who lived in Mississippi through whom you claim your right to be identified now? A Well I don't know.

Q You claim through your father don't you? A Yes sir.

Q Now your father claims through which parent, father or mother? A Well, his father and mother both, I think.

Q Claims through both father and mother? A Yes sir.

Q Well, what was his father's name? A I don't know.

Q What was his mother's name? A Oh! his father's name was Miller.

Q Miller, yes, I know, but the full name? A I don't know---yes his father's name was Jacob.

Q Jacob Miller? A Yes, sir.

Q Do you know how much Choctaw blood Jacob Miller had? A No, sir.

Q And his mother's name was what? That is your grandmother? A I know if I could just think, but I can't think of it.

Q You can't think of the name? A No, sir.

Q How much Choctaw blood did she have, do you know? A I don't know.

Q Well now, can you give your great-grandfather's name? A No sir, I can't.

Q Or your great-grandmother's? A No, sir.

Q Can you think of any other name than Jacob Miller, going back, now? A No, sir, I was too small to remember anything about it.

Q You remember Jacob Miller. Did he live in Mississippi in 1830 or any time? A I don't know.

Q Do you know whether any of your ancestors lived in Mississippi if they were Choctaw Indians? A No sir, I don't.

Q Did you ever hear that any of your ancestors who had Choctaw blood, ever lived in the State of Mississippi? A Yes, sir I have heard of them living there.

Q Now who have you heard lived there? A Well, my grandfather and grandmother claimed they lived there.

Q Now give me the names. Jacob Miller is the grandfather and what is the grandmother's name? A I know my grandmother's name if I could just think of it.

(5).

- Q You can't think of it? A No sir.
- Q You know they lived in Mississippi? A Yes, sir.
- Q Did they live in Mississippi in 1830? A I don't know.
- Q How old is your father? A He's fifty one or two.
- Q Where was he born? A I don't know that.
- Q Where was his father born? A I don't know.
- Q When was he born? A I don't know that.
- Q When did he die? A I don't know that even.
- Q Well do you know whether they or any of your ancestors if they were Choctaw Indians had any improvements on land in Mississippi in 1830? A No, sir.
- Q Did any of them ever live in Alabama? A No, sir not that I know of.
- Q Did any of them ever go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, whose name was Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of them own or claim any improvement on land in Mississippi or Alabama in 1830, under article fourteen of the treaty of 1830. A I don't know whether they did or not.
- Q Did any of your Mississippi Choctaw ancestors own or claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the United States Indian Agent, Colonel Ward was instructed by the United States Government to make a list of the names of all Choctaw Indian Claimants who came before him within six months from the ratification of the treaty of Dancing Rabbit Creek and told him that they wanted to stay in Mississippi and take land there in that state, and to become citizens of the United States. Colonel Ward neglected to make a complete list of the names of all claimants who came before him under article fourteen of the treaty of Dancing Rabbit Creek. In fact his register, known as Ward's Register, contains the names of only a small fraction of all of the applicants who actually appeared before him within the time limited under article fourteen and as a result of this neglect on his part a good many of the Choctaw Indians who held land in Mississippi upon which they had improvements, had both land and improvements taken from them and they were sold by the government at its public land sales. This caused a great many complaints among the Indians and as a result of these complaints in 1837 by Act of Congress approved March 3rd of that year Congress appointed a Commission, which went to Mississippi, heard claimants under article fourteen, and made a list of the names of successful claimants under that article. In 1842 by Act of Congress approved August 23 of that year, Congress appointed another Commission which went to the State of Mississippi and they also heard claimants under article fourteen and made a list of the names of successful claimants. Do you know if any of your Choctaw ancestors appeared before either of these Commissions of 1837 or the Commission of 1842, and attempted to establish their rights under article fourteen of the treaty of 1830? A No sir.
- Q The Act of Congress approved August 23, 1842 provided that in case

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it should finally be determined that a Choctaw Indian had proven his claim before that Commission, if it also appeared that he had had his land taken from him by the Government, that he should be entitled to select land in Alabama, Mississippi, Louisiana or Arkansas, and that he should be given a certificate to that effect. These certificates at that time were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians that you ever heard? A No.

Q Have you any documentary evidence that you want to present now in support of your application? A No, sir.

Q No papers whatever? A No, sir.

Q Would you like time to file documentary evidence? A Yes, sir.

Q Do you want to ask her any questions, Mr. Richy? A No sir. She wants time to make proof of her marriage to her husband and her father's marriage.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of this application which she makes for herself and children, or any other proper evidence.

Q Is there anything more you want to say in support of your application? A No, sir.

Q Do you understand or speak the Choctaw language? A No, sir.

This applicant has the appearance and general physical characteristics of being descended from ancestry possessed of white and possibly of Indian blood. She has some appearance of having Indian blood, dark eyes, dark skin and hair. She does not know how much Choctaw blood she claims. In the opinion of the Commission she shows traces of Indian blood, in her general appearance. She does not understand the Choctaw language and had no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 26th day of October, 1901.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3819.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Pearl Barnett,
Ravenna, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 984
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Mand Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrick J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Registered.

James M. Compton
Acting Chairman.

MCR-3319

COPY

Muskogee, Indian Territory, April 18, 1907.

Pearl Barnett,
Ravenna, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

No. 3819

For Identification as a Mississippi Choctaw.

Date OCT 23 1901

Name Peare Barnett,

Age 18

Blood desc. 1/2 Negro.

Post Office, Ravenna, Texas

Father: William J. Miller, d.

Mother: Susan " d

Claims through father
husband Alex Barnett, W.

No claim for husband

Children:

Mary Barnett, 3

Charlie " 7 m.

Claims for self &
2 children -

Stenographer Hal Bedford.

Choctaw MCR 3820

Add B. Britton

See MCR 3386

MCR 3820

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 24, 1904.

#3830.

In the matter of the application of Add B. Britton for the identification of himself and his four minor children, Annie A., Winnie D., Ethel L., and William C. Britton, ne Hinstanpatt Chactaw.

Applicant not represented by Attorney.

Add B. Britton, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is the name? A A. B. Britton.
Q Full name? A Add B. Britton. The "B" is for Benton. Add Benton Britton.
Q What is your age? A My age is forty.
Q What is your post office address? A Guion, Taylor County.
Q What is that post office? A A-u-i-o-n.
Q Texas? A Yes sir.
Q How long have you lived at Guion? A Well, I came to Guion in '88, and I resided there for about seven or eight months and went east and stayed out there awhile, and the last time I moved back to Taylor County was in December, '88.
Q Where were you born? A I was born in North Alabama.
Q What place in Alabama? A Well, I was born near Russellville.
Q Russellville? A Russellville.
Q And how long did you live in Alabama? A Well, I was just about eighteen years old.
Q And then you went where? A I came to Texas.
Q And lived in Texas since? A Yes sir.
Q What is your father's name? A W. C. Britton.
Q W. C.? A Yes sir, W. C.
Q Is he living? A Yes sir.
Q What is your mother's name? A My mother's name is Sarah Jane Britton.
Q Is she living? A Yes sir.

(2).

- Q Through which parent do you claim Choctaw blood----father or mother? A Father.
- Q How much do you claim? A Well, about one-sixteenth.
- Q Has your father ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians, by either the Choctaw Tribal Authorities or the United States Authorities? A Well, no, only he were enrolled here.
- Q How? A He were enrolled here.
- Q You mean he came before the Commission and made application for identification as a Mississippi Choctaw, don't you? A Yes sir.
- Q Is that all? A That's all.
- Q When and where were your father and mother married? A Why, they were married in North Alabama, but as to the date exactly, I could not tell.
- Q Have you proof of their marriage with you now? A No sir, I haven't proof of their marriage.
- Q You will be given time in which to prove the marriage of your father and mother. A I have depositions here from these parties that's been before you.
- Q Well, have you any statement in those papers that you want to file as to the marriage of your father and mother, or when they were married and by whom? A Well, I do not know.
- Q Are you married? A Yes, I am.
- Q What is your wife's name? A Her name's Susan H. Britton.
- Q What is her nationality or color? Is she a white woman? A Yes sir.
- Q She is not an Indian is she? A No, no.
- Q Do you claim for her anything? A No sir.
- Q Have you any children you want to make application for? A Yes-sir, I have four.
- Q Under age and unmarried? A Yes sir.
- Q What is the name of the oldest? A The oldest is Audie A.
- Q Audie? A Yes sir.
- Q A-u-d-i-e, is it? A Yes sir.
- Q Audie R.? A Audie A.
- Q Boy? A Yes sir?
- Q How old is he? A He's ten years old.
- Q The next? A Why the next is a girl----Winnie Davis Britton.
- Q How old is she? A Eight.
- Q The next? A The next one is Ethel Loyce.
- Q Ethel what? A Ethel Loyce----L-o-y-c-e.
- Q Girl? A Yes sir.
- Q How old? A Why she's two years old.
- Q Three years? A Two years.
- Q Any others? A Yes sir, I have one more boy. His name's William Odessa.
- Q How? A His name's William Odessa.
- Q William O.? A Yes sir.
- Q How old is he? A Well, he's one----one year.
- Q Is Susan H. Britton the mother of these children? A Yes sir, she is.
- Q Are you the father? A yes sir.
- Q You claim for yourself and these children do you? A Yes sir.
- Q When and where were you married to her? A I were married to her at Guion, Taylor County, Texas.
- Q How? A I were married to her at Guion, Taylor County, Texas, in 1900.
- Q What day of the month? A No, I beg your pardon on that----it was 1890.

(3).

- Q 1890? A Yes----it was May the 1st.
- Q Have you your marriage license and certificate with you? A Yes sir, they are in this.
- Q You have a certified copy here have you, of your marriage? A Yes sir, certified copy, of course.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself or children to the Choctaw Tribal Authorities? A No sir, I didn't.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A I have not.
- Q Is this the first application you ever made for yourself or children for identification as a Mississippi Choctaw, or for citizenship in the Choctaw Nation? A It is.
- Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws under Article XIV of the Treaty of 1830? A I do.
- Q Do you understand that article of that treaty? A No sir I do not. I do not understand it.
- Q You understand what a treaty is, don't you? A Oh! yes! yes sir.
- Q You understand what a treaty is? A Yes sir.
- Q And an article in a treaty is one of the subdivisions of it? A Yes sir.
- Q In 1830 a treaty was made between the Choctaw Indians who then lived in Mississippi and partly in Alabama, and the United States Government, the object of which was to effect the removal of all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, here in the Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians wouldn't go to the new Choctaw Nation, Indian Territory, and in order to protect their interests Article XIV was put into the treaty. Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become

(4).

citizens of the States, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is Article XIV of the Treaty of 1830. Do you claim under that article? A Well I-----.
- Q Or under the whole treaty, or how? A No, I----that's what I say, I don't understand that treaty.
- Q Well, I have explained it to you. Don't you understand it now? A Well, of course I suppose I would come under the whole treaty.
- Q Well, now, I guess I can make you understand that. You knew what a treaty is? A Yes, certainly.
- Q And you know what an article in a treaty is? A Yes.
- Q And I have read that article to you. It shows that it was put into that treaty for the especial benefit of the Indian who stayed in Mississippi in the old Choctaw Nation, instead of coming to the new Choctaw Nation with the other Indians between 1833 and 1838. Now those Indians, by article XIV of that treaty had a perfect right to go to the Indian Territory, Choctaw Nation Indian Territory any time after that treaty was ratified----that is, any time after February 24, 1831, for it was ratified February 24th of that year, and take land in the Choctaw Nation, Indian Territory and become citizens here, just the same as the other Indians who came here under the treaty, provided: there was a provision now, you know what a provision is? A Oh yes!
- Q Provided that within six months after the treaty was ratified they went to the United States Indian Agent, Colonel Ward who lived in Mississippi in 1830, and told him ----they must have done this--- they went to him and told him that they wanted to stay, that they didn't want to go to the Indian Territory, they wanted to take land in Mississippi and live upon it for five years, and at the end of that time they wanted the Government to give them a deed of it, and furthermore that they wanted to become citizens of the United States. They didn't want to be Choctaw Indians any more. Now that's what it provides in Article XIV. A Yes sir.
- Q Now, furthermore, if they did that, they afterwards----any time afterwards----they could sell the land or give it away or abandon it without doing anything, just simply leave Mississippi, go to the Choctaw Nation Indian Territory, be received here and become citizens here just the same as the others. Now we are to identify people who did that, or whose ancestors did it. Now do you understand that? A Yes, I believe I understand that.
- Q That's all there is to it? A Yes sir.
- Q Now, do you know whether any of your ancestors----your Choctaw ancestors----did comply with those provisions of Article XIV as read to you? A Well, I don't think they did.
- Q You don't know that they did? A No, I do not, because you see I wasn't-----.
- Q What is the name of your ancestor who lived in Mississippi through whom you claim your right to be identified? A Why, it was a Phillip and----Catherine Hampton. Phillip Gates and Catherine Hampton Gates.

(5).

- Q I mean the one who lived in Mississippi in 1830 and who was the head of a family there at that time---had a family there at that time? A Well---1830.
- Q Seventy-one years ago? A Well---why William Britten.
- Q Is that the one? A He is my grandfather.
- Q Well, was he living there in 1830? A Yes, he was.
- Q And was the head of a family there at that time? A Yes sir.
- Q William Britton? A Yes sir.
- Q How much Choctaw blood did he have? A Well, you see he claimed this through his wife, Sarah Gates.
- Q Through his wife. Did he have any Choctaw blood himself? A No sir.
- Q Well, don't give me the names of anybody that didn't have Choctaw blood. I want Choctaws. He was the white husband of an Indian woman---is that it? A yes.
- Q Well now, what was her name? A Her name was Sarah Gates.
- Q Well, I thought her husband's name was Britton? A Well, that's her maiden name.
- Q Sarah Britten was her married name? A Yes sir.
- Q Now, her maiden name was Sarah Gates? A Yes sir.
- Q Do you know through whom she claimed her Choctaw blood---father or mother? A Through her father.
- Q What was his name? A Well sir, I don't know that I could tell.
- Q Very well, she lived in Mississippi in 1830, did she? A In Alabama.
- Q Lived in Alabama in 1830? A Yes sir.
- Q Didn't live in Mississippi? A No sir.
- Q Did any of your Choctaw ancestors live in Mississippi? A Well, I couldn't tell you.
- Q You do know they lived in Alabama? A Yes sir.
- Q Well now, did she live in the old Choctaw Nation in Alabama? A Well, yes sir.
- Q You know that the Choctaw Nation just comprised a little of the western boundary line, a little over the line along the western boundary. A Well, I know they called that the Nation.
- Q Then where you lived in Alabama was what they called the old Nation? A Yes sir.
- Q So you think that portion of Alabama was comprised in the old Choctaw Nation? A Yes sir. You see I was very small, but that's what they called that portion of the State of Alabama, was the Nation.
- Q You claim through your father do you not? A yes sir.
- Q How old is your father now? A Why my father---I believe he's seventy-two years of age.
- Q Where was he born? Alabama? A Yes sir.
- Q In the same old Choctaw Nation? A yes sir, he was born in Russellville, Alabama.
- Q Is that in the western part of Alabama? A It's in the north-west part, I reckon.
- Q Well, is it along near the western boundary line? A Yes sir.
- Q His father was living in Alabama at his birth was he? A At my father's birth.
- Q William Britton was his father, wasn't it, your grandfather? A Yes sir.
- Q And the whole family was living there at his birth? A At the birth of---?
- Q Your father? A Yes sir.
- Q Now do you know whether any of your ancestors if Choctaw Indians owned any improvements on land in Mississippi or Alabama in the

(6).

- old Choctaw Nation in 1830? A No sir, I do not. I do not know.
- Q At the time when your father was born did his father and mother live upon land which was theirs and which they were occupying? A Well, I couldn't tell you.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama, that is from the old Choctaw Nation to the new Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of, No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that they wanted to live in Mississippi or Alabama in the old Choctaw Nation and take land there and become citizens of the States? A None that I know of. I never heard of any.
- Q Did any of your Mississippi Choctaw ancestors own any land or claim any in that old Choctaw Nation in Mississippi or Alabama under article XIV of the treaty of 1830? A None that I know of.
- Q Did they claim any land or any benefits under any other article of the treaty of 1830 than article fourteen, or under the supplement of that treaty? A None that I know of.
- Q According to the provisions of Article XIV of the treaty of Dancing Rabbit Creek----this same treaty which is sometimes called that----the United States Indian Agent who lived in Mississippi in 1830 was instructed by the Government to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the Treaty of 1830 and told him that they wanted to live in Mississippi or Alabama in the old Choctaw Nation and take land there and become citizens of the States. This Agent failed to record the names of most of the Indians who came before him for that purpose and this neglect caused a great many Indians who had land in Mississippi to lose their land and improvements upon it, for it was sold by the Government at public land sales. This caused to many complaints on the part of the Indians that in 1837 Congress appointed a Commission by Act of Congress which was ratified on the 3rd day of March 1837, and this Commission went to the State of Mississippi and heard a great many claimants under Article XIV. In 1842 another Commission was appointed by Congress and this Commission also went to Mississippi and heard claimants under Article XIV of that treaty. Q Do you know whether any of your ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed benefits under Article XIV of that treaty? A I don't know. I don't know anything----I never heard of anyone if they ever did.
- Q The Act of Congress approved August 23, 1842 provided that if any Indian or any claimant came before it and proved his claim under Article XIV, and if it also appeared that he had previously had his land taken from him by the Government, that he should be entitled to select land either in Mississippi Alabama, Louisiana or Arkansas, to be taken from Vacant Government Land, and that he should receive a certificate to that effect. These certificates at that time were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A I do not, no sir.
- Q Have you any documentary evidence you want to file? A Yes sir.
- Q These papers? A Yes sir, I think there's some there.

(7).

Sworn Statement of A. B. Britton, this applicant, presented by him, received filed marked Exhibit "A" and made a part of the record in this case.

Affidavit of Lucinda American Stanford presented by applicant, received, filed, marked Exhibit "B" and made a part of the record in this case.

Affidavit of Sarah A. Benson, presented by applicant, received, filed, marked Exhibit "C" and made a part of the record in this case.

Affidavit of John H. Britton presented by applicant, received, filed, marked Exhibit "D" and made a part of the record in this case.

Certified copy of the marriage license and certificate of A. B. Britton and Susie H. Cathey presented by applicant, received filed, marked Exhibit "E" and made a part of the record in this case.

- Q Is this all the testimony you have, or documentary evidence? A Yes sir, that's all.
- Q Do you want any more time to introduce further testimony or evidence? A Well, as far as myself is concerned, that's all I have.
- Q That's all you care to put in? A Yes sir.
- Q You want to introduce the testimony or the evidence of your father's and mother's marriage do you? A Well yes sir, I can do that.

Reasonable time will be allowed this applicant in which to file further testimony if he desires in support of his claim.

- Q Is there anything more you want to say Mr. Britton? A That's all that I know of, yes sir.
- Q Do you speak or understand the Cherokee language? A Sir?
- Q Do you speak or understand the Cherokee language? A No sir, I do not.

(8).

- Q You have some relatives that have come before the Commission for identification before? A Yes sir.
- Q Can you give the names of any of them? A Well, my father was in here a short while back, W. G. Britton.
- Q W. G. Britton? A Yes sir.
- Q Any others? A Well, then there's John H. Britton, an uncle of mine. Then aunt Lucinda.
- Q Who is that? A Well, aunt Lucinda.
- Q Lucinda what? A Stanford.
- Q Any others? A Well, there's one more, an old lady that was here her name was Sarah Benson.
- Q Did these people all claim through the same ancestor that you do? A They did.
- Q Do you want to have their testimony and evidence taken in connection with yours that you may get the benefit of what they have testified to? A Yes sir, I do.
- Q

This applicant has the appearance and physical characteristics of being descended from white parentage. He has blue eyes Medium dark complexion, dark brown hair, light brown moustache. does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 30th day of November, 1901.

Charles Mitchell
Notary Public.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

N.C.R. 3680

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1902.

Add B. Britton,

Guion, Texas.

Dear Sir:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John B. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3595
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3383
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3820

Muskogee, Indian Territory, October 15, 1902.

Add B. Britton,
Guion, Texas.

Dear Sir:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emily Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians, claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Audie McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Riby O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Velve Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, All Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED)

T. B. Needles.
Commissioner in Charge.

M.C.R. 3820

Muskogee, Indian Territory, December 22, 1902.

Add B. Britton,

Gulson, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

James H. Smith
Acting Chairman.

MCR-3820

Muskogee, Indian Territory, October 19, 1906.

Ad B. Britton,
Quion, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date OCT 24 1901

Name Add B. Britton,

Age 40

Blood

1/16

Post Office, Guion, Texas,

Father; W. G. Britton, l

Mother: Sarah J. " l.

Claims through father
 wife. Susan W. Britton, d.
 No claim for wife.

Children:

Audie A. Britton, M. 10
 Winnie W. " F. 8
 Ethel L. " F. 2
 William O. " M. 1

Claims for self
 and children -

Stenographer Wae Belford

Choctaw MCR 3821

Alice A May

See MCR 3822, 3823, 3830

MCR 3821

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice A. May, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of-

Alice A. May, et al	M.C.R. 3621
Inez Reed, et al	" 3622
Eugenia McNeal, et al	" 3623
Mattie Weeks, et al	" 3630

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Alice A. May, et al.

	(Page)
Original application of Alice A. May, et al., before the Dawes Commission for identification as Mississippi Choctaws1
Original application of Inez Reed, et al., before the Dawes Commission for identification as Mississippi Choctaws8
Original application of Eugenia McNeal, et al., before the Dawes Commission for identification as Mississippi Choctaws13
Original application of Mattie Weeks, et al., before the Dawes Commission for identification as Mississippi Choctaws16
Decision of the Commission denying the application of Alice A. May, et al., for identification as Mississippi Choctaws25

S. F. W.
J. R. B.
C. W. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice Amelia May, et al., for identification as Mississippi Choctaws, consolidating the applications of

Alice Amelia May, et al.,
Inez Reed, et al.,
Eugenia McNeal, et al.,
Mattie Weeks, et al.,

M C R 3821
M C R 3822
M C R 3823
M C R 3824

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Alice Amelia May for herself and her five minor children, David Adolphus, Cary Augustus, Theodore Edwin, Mary Elizabeth and Bertha Silvan May; by Inez Reed for herself and her four minor children, Willie Estelle, Benjamin Arthur, Pearl and May Reed; by Eugenia McNeal for herself and her four minor children, Tommy Theo, Bala, Beula and Joseph McNeal; and by Mattie Weeks for herself and her four minor children, Allie, Lee, Waite and Vida Weeks, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty,

and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Nancy Robinson, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nancy Robinson, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to

either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (5 Stats., 100) and August 23, 1848 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Amelia May, David Adolphus May, Cary Augustus May, Theodore Edwin May, Mary Elizabeth May, Bertha Silsbee May, Inez Reed, Willie Metelle Reed, Benjamin Arthur Reed, Pearl Reed, May Reed, Eugenia McNeal, Tenny Theo McNeal, Bala McNeal, Paula McNeal, Joseph McNeal, Mattie Weeks, Allie Weeks, Lee Weeks, White Weeks and Vida Weeks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


C. R. Buckmaster,
Commissioner.

Muskogee, Indian Territory,

JUL 25 1902

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 45,093-1902.

Washington, August 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith a report, dated July 25, 1902, from Thomas B. Needles, Esq., forwarding for the Department's consideration the record in the consolidated case of Alice A. May, et al., who apply for identification as Mississippi Cheetaws claiming rights in the Cheetaw lands under the provisions of Article 14 of the treaty of 1830.

Alice A. May applies for the identification of herself and her five minor children, David Adelphus, Cary Augustus, Theodore Edwin, Mary Elizabeth and Bertha Silman May.

Inez Reed applies for the identification of herself and her four minor children, Willie Estelle, Benjamin Arthur, Pearl and May Reed.

Eugenia McNeal applies for the identification of herself and her four minor children, Tommy Theo, Lula, Beula and Joseph McNeal.

Mattie Weeks applies for the identification of herself and her four minor children, Allie, Lee, Waite and Vida Weeks.

July 25, 1902, the commission held that the applicants were not entitled to identification as Mississippi Cheetaws.

They claim descent from Nancy Robinson the grandmother of the principal applicant,--Alice A. May.

The records of the office fail to show that the alleged original ancestor of the applicants complied or attempted to comply with the provisions of Article 14 of the treaty of 1830, or that she applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of her rights.

It is therefore respectfully recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner

(G.A.W.)

P.

D. C. 14062-1902.

80936

RAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD.5031-1902.

August 25, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 25, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Chestaws, of Alice Amelia May and her minor children, David Adelphus, Cary Augustus, Theodore Edwin, Mary Elizabeth and Bertha Silvan May; of Inez Reed and her minor children, Willie Estelle, Benjamin Arthur, Pearl and May Reed; of Eugenia McNeal and her minor children, Tommy Theo, Lula, Beula and Joseph McNeal; and of Mattie Weeks and her minor children, Allie, Lee, Waite and Vida Weeks.

The applicants endeavor to trace their descent from one Nancy Robinson, who is alleged to have been a full blood Chestaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Chestaw Nation, or that Nancy Robinson or a less remote ancestor of applicants ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and

August 23, 1842 (5 Stat., 513). You refused the application on July 25, 1902.

The Acting Commissioner of Indian Affairs forwarded the papers August 13, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

Having carefully reviewed the whole case, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary,

E.M.D.

1 inclosure.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 24, 1901.

#3821.

In the matter of the application of Alice A. May for the identification of herself and her five minor children, David A., Cary A., Theodore E., Mary E., and Bertha S. May, as Mississippi Choctaws.

Applicant not represented by Attorney.

Alice A. May, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A My name now----my husband's name?
Q Yes. A May.
Q Full name please? A Alice Amelia May, is my full name.
Q M-a-y ? A Yes sir, M-a-y .
Q That is the last name, is it? A Yes sir.
Q What is your age? A I will be fifty----I was fifty-two last May the 15th day.
Q Fifty-two? A Yes sir.
Q What is your post office address? A Atoka here now. We just moved. Just come here.
Q How long have you lived here? A Got here----just got here two weeks ago tomorrow.
Q Where were you born? A I was borned in Alabama.
Q What place in Alabama? A In Tallapoosa.
Q How long did you live in Alabama? A Oh, I reckon I didn't live there more than----I don't suppose I was older than about five.
Q Lived there about five years? A I reckon I did. I couldn't tell.
Q Where did you go then? A We went to Mississippi.
Q How long did you live in Mississippi? A Well, I lived there in Mississippi----let's see-----ma died when I was small.
Q Well now, you answer my question. A Well, I lived there I reckon about ten years you might say.

(2).

- Q About ten years----then you went from Mississippi where? A To Texas.
- Q Have you lived in Texas since till you came to the Territory? A I lived in Texas, yes. I havn't lived in no other state except the Territory and Texas.
- Q Well, when did you go from Texas to the Territory? A I said about two weeks ago. I couldn't tell you just the day.
- Q You lived in Texas until two weeks ago? A Yes sir.
- Q What is your father's name? A Father's name----Slaughter.
- Q Full name? A Joe Slaughter.
- Q How do you spell Slaughter? A S-l-a-u-g-h-t-e-r, Slaughter.
- Q Is he living? A No sir, he died when I was small. That's the reason I don't know much. You see I was so young.
- Q Is your mother living? A No sir, she died when I was between ten and eleven years old.
- Q What was her name? A Sallie Slaughter---you don't want her maiden name?
- Q Sallie Slaughter? A Yes sir.
- Q Through which parent do you claim Chectaw blood? A My grandmother.
- Q Through your father or mother? A Through my mother's side. Her mother was Nancy Robinson.
- Q How much Chectaw blood do you claim? A One-fourth.
- Q Do you know when and where your father and mother was married? A I think they was married somewhere on the line of Alabama and Georgia. I couldn't tell you---I havn't got the records.
- Q Do you know when? A No I don't. It was away back there though in---I couldn't tell you. I just don't know. I am not posted in it. I was young---small when they died.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Chectaw Tribe of Indians by either the Chectaw Tribal authorities or the United States Authorities in the Indian Territory? A My mother wasn't as I knew of.
- Q Now are you married? A Yes sir.
- Q What is your husband's name? A B. C. May.
- Q What? A B. C. May, Ben May.
- Q Ben C.? A Yes sir.
- Q Is he an Indian? A No sir, he's a white man.
- Q You don't make any claim for him then? A No, I don't make any claim for him.
- Q Give me the names of your children under twenty-one years of age and unmarried that you want to make application for? A David Adolphus.
- Q What's that? A David Adolphus May.
- Q How old is he? A He was twenty years old last August.
- Q The next? A Cary Augustus.
- Q Cary? A Yes sir.
- Q C-a-r-y? A Yes sir, Cary Augustus.
- Q Girl? A No sir, he's a boy.
- Q How old is he? A He was seventeen last May.
- Q The next? A Theodore Edwin.
- Q Theodore? A Yes sir.
- Q How old is he? A He's fourteen.
- Q The next? A Mary Elizabeth.
- Q Mary E.? A Yes sir.
- Q How old? A She's eleven years old.
- Q Next? A Bertha Sileam.
- Q Bertha what? A Sileam.
- Q How old is she? A She's nine years old.

(3).

- Q Next? A Havn't got nary 'nother one.
- Q Do you claim for yourself and these children? A Yes sir.
- Q When and where were you married to your husband, Ben C. May? A Married in Mississippi.
- Q Do you know where in Mississippi? A Yes sir, In Scott County.
- Q What date if you remember? A I've been married thirty-four years.
- Q Were you married by a minister under a license? A Yes sir.
- Q Is your name or the names of these children on any of the Tribal Rolls of the Choctaw Nation? A Yes sir---No sir!
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities for yourself or children? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission for yourself and children under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Is this the first application you have ever made for citizenship in the Choctaw Nation? A Yes sir.
- Q To any authority whatever? A Yes sir.
- Q Do you now claim the right to be identified for yourself and your children under article fourteen of the treaty of 1830? A Yes sir, by my grandmother.
- Q Do you understand that treaty or that article of that treaty? Do you know what it means, Article XIV of the treaty of 1830? Knew it's provisions? A Well, no.
- Q What's that? A No, I don't, but then I have heard my parents, my old mother talk a little on such but then I don't.
- Q You have heard about the treaty of 1830, have you? A Yes.
- Q You may perhaps know that that treaty was made between the Choctaw Indians who lived in Mississippi and Alabama in 1830 and the United States Government. They lived in the old Choctaw Nation which was partly in Mississippi and partly in the western portion of Alabama along the western boundary line. The object of the treaty of 1830 was to remove all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, but before it was signed it became evident that a great many Choctaw Indians wouldn't go to the new Choctaw Nation Indian Territory, and so in order to protect their interests Article XIV was put into the treaty. Article XI V reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forth acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If

(4).

they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now as you have heard that explained to you and read----read and explained rather, do you understand it? A Understand about the ----?
- Q Understand what I have read to you? A Yes----well, I don't know hardly whether I do or not.
- Q Well, you understand that this treaty was made to get the Indians from Mississippi and Alabama to this Choctaw Nation, Indian Territory, don't you? A Yes, I understand that all right.
- Q And you understand the conditions that were put into this Article XIV don't you? A Yes sir.
- Q Now do you know if any of your Choctaw ancestors complied with any of the provisions of this Article XIV? A Well-----.
- Q Just answer yes or no? A Well, my grandmother did.
- Q Your grandmother did? A Yes.
- Q What was her name? A Nancy Robinson.
- Q How do you spell that? A R-o-b-i-n-s-o-n.
- Q Is that right? A yes sir, I believe that's correct the way it is.
- Q What relation was she to you? A She was my mother----my mother's mother.
- Q Your mother's mother? A Yes sir.
- Q When did your mother die? A She died in '59.
- Q How old was she when she died? A Why, she was thirty, I reckon.
- Q She died in 1859 and was thirty years old? A I think.
- Q Then she was born in 1829 wasn't she, thereabouts? A Well, I don't know. I couldn't say.
- Q Must have been if she was thirty years old when she died and died in 1859. She must have been born in 1829. Where was she born--- in what state? A In Alabama, I think.
- Q What place in Alabama? A Well, I don't know----couldn't say.
- Q Was Nancy Robinson living in Alabama in 1830? A I don't know.
- Q Did she live in Alabama? A She come to Mississippi. I don't know what time though. I couldn't tell you. It was my grandmother. I couldn't tell you what date she come.
- Q Do you know when and where Nancy Robinson was born? A No sir, I don't.
- Q Do you know when and where she died? A No sir, I don't. Don't know anything about that.
- Q Do you know how long she lived in Alabama and how long in Mississippi? A No sir.
- Q How much Choctaw blood did she have? A I have a reason to believe she was a fullblood.
- Q Fullblood----is that a matter of family history and tradition that she was a fullblood Indian? A Yes sir.
- Q You have always heard so in the family? A Yes, I have always

(5).

been so taught.

- Q Your mother taught you that? A Yes sir.
- Q Through which parent did she claim her Choctaw blood----do you know? A No sir, I don't.
- Q Don't know whether through father or mother, or both, or what their names were? A No sir, I don't know only just know that she was Nancy Robinson and that's enough.
- Q R-o-b-i-n-s-o-n? A Yes sir.
- Q Did she ever own any improvements on land in Mississippi or Alabama in 1830? A Not as I know of.
- Q What was her husband's name? A I don't know.
- Q Was he a white man? A I can't tell you that.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation Indian Territory between 1833 and 1838 do you know? A No, I don't.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A Not as I know of.
- Q Did any of your Choctaw ancestors own any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, I don't know.
- Q Did any of them own or claim any land under any other article of the treaty of 1830 than Article XIV, or under the supplement of that treaty? A If they did I don't know it.
- Q According to the provisions of Article XIV of the Treaty of 1830 the United States Indian Agent who lived in Mississippi at that time was instructed by the Government to make a list of the names of all Choctaw Indians who came to him or to his office within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi and take land there. The list made out by Colonel Ward of all of those claimants that did that contained only a very few of the total number of applicants who came before him and declared their intention to remain in Mississippi and take land there under Article XIV and as a result of this neglect on his part a great many Indians who held land in Mississippi and Alabama upon which they had improvements had it taken from them by the Government and sold. This caused so many complaints on the part of the Choctaw Indians in Mississippi and Alabama that finally Congress in 1837, by an Act approved March 3rd of that year, appointed a Commission and this Commission went to the state of Mississippi and heard claimants under Article XIV of the Treaty of 1830, and made a list of the names of successful claimants. In 1842 another Commission was appointed for the same purpose and they made a list of successful claimants who came before them and proved their claims under article XIV. Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits under Article XIV of that Treaty? A If they did I don't know.
- Q The Act of Congress approved August 23, 1842, provided that if any claimant proved his claim before it, and if it was shown further that his land had been taken from him by the Government, that he should be entitled to select land either in Mississippi or Alabama, Louisiana or Arkansas, and that a certificate should be given to him to that effect. These certificates were at that time called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government? A No sir, they didn't as I know of.
- Q Do you speak the Choctaw language or understand it? A No sir, I don't.

(6).

- Q Did Nancy Robinson speak the Choctaw language? A Well, I guess she did. I have heard my mother say that she did.
- Q Did your mother understand the language? A Well, I have heard her talk some too.
- Q Did you ever hear your mother talk Choctaw? A Not but a very few words.
- Q Did she speak with the Indians or did she talk just to you? A She was just talking to me.
- Q In the Choctaw language? A Yes sir.
- Q Could you understand her? A No sir.
- Q Did you ever hear your grandmother, Nancy Robinson talk? A No sir.
- Q You didn't know her? A I didn't know her.
- Q Did you hear that she could speak the Choctaw language. Did your mother tell you? A No she never---she didn't tell me as I remember.
- Q Then you don't know whether she ever did? A No.
- Q Did she have an Indian name---did your grandmother? A I don't know anything but Nancy Robinson is all I know. Don't know whether that's Indian or not.
- Q Have you any documentary evidence you want to introduce now in support of your claim? That is, any papers of any kind? A No sir, I haven't got any.
- Q You have no lawyer have you? A No sir.

Reasonable time will be allowed this applicant in which to file documentary evidence or present any other evidence that is proper in this case if she desired.

Do you want to say anything more about your case? A No sir, I don't want to say anything more.

This applicant has the appearance and physical characteristics of being descended from partly white and from partly Indian ancestors. She has black eyes, dark skin, dark hair. She has in the opinion of the Commission traces of Indian blood. She does not understand the Choctaw language and had no knowledge of a compliance on the part of her ancestors with any of the provisions of Article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes

(7).

he reported in full all the proceedings in the above entitled cause on October 24, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

W. B. Belford

Subscribed and sworn to before me this 30th day of November, 1901.

Charles W. Belford
Notary Public

COPY.

Muskogee, Indian Territory, July 25, 1902.

Alice A. May.

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice A. May, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Amelia May, et al.,	M C R	3821
Inez Reed, et al.,	"	3822
Eugenia McNeal, et al.,	"	3823
Mattie Weeks, et al.,	"	3830

These applications were made under the provisions of the act of Congress of June 20, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Alice A. May-2

Alice Amelia May, David Adolphus May, Cary Augustus May, Theodore Edwin May, Mary Elizabeth May, Martha Silcott May, Inez Reed, Willie Estelle Reed, Benjamin Arthur Reed, Pearl Reed, May Reed, Eugenia McNeal, Tommy Theo McNeal, Edna McNeal, Della McNeal, Joseph McNeal, Mattie Weeks, Allie Weeks, Lee Weeks, Waite Weeks and Vida Weeks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M C R 3821

Washknee, Indian Territory, July 28, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Dear Sirs:

You are hereby advised that on the 28th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice A. May, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Amelia May, et al.,	M C R 3821
Ines Reed, et al.,	" 3822
Eugenia McNeal, et al.,	" 3823
Mattie Weeks, et al.,	" 3820

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

L. McH & Co

Alice Amelia May, David Adolphus May, Cary Augustus May, Theodore Edwin May, Mary Elizabeth May, Bertha Siloam May, Inez Reed, Willie Estelle Reed, Benjamin Arthur Reed, Pearl Reed, May Reed, Eugenia McNeal, Tommy Theo McNeal, Eula McNeal, Beula McNeal, Joseph McNeal, Mattie Weeks, Allie Weeks, Lee Weeks, Waite Weeks and Vida Weeks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M C R 3621

Muskogee, Indian Territory, July 25, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Alice A. May, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 25th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Alice Amelia May, et al.,	M C R 3621
Ines Reed, et al.,	" 3622
Eugenia McNeal, et al.,	" 3623
Mattie Weeks, et al.,	" 3624

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters

Secretary-2

being attached to the record.

Respectfully,

SIGNED:

Through the Commissioner
of Indian Affairs.

1 enclosure.

T. B. Needles
Commissioner in Charge

M. C. R. 3821.

COPY.

Waskageo, Indian Territory, September 8, 1902.

Alice Amelia May,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on the 28th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Amelia May, et al., of which decision you were advised by registered mail on July 25, 1902.

Yours truly,

(SIGNED).

James Dixey.
Acting Chairman

M. C. R. 3881.

COPY.

Muskogee, Indian Territory, September 8, 1902.

Manefield, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Amelia May, et al., of which decision you were duly advised by mail on July 25, 1902.

Yours truly,

(S. G. V.)

Samuel Dixey.
Acting Chairman.

Consolidated Case
of
Alice A. May et al.

REFER TO M. C. R.

3821

Nancy Robinson f.b.

Sallie Robinson
dead
married
Joe Slaughter
dead

^{mc 42}
3821
Alice Amelia Slaughter 52 1/2
married
Ben C. May - w.

^{mc 42}
3821
David Adolphus May 20
" Cary Augustus May 17
" Theodore Edwin May 14
" Mary Elizabeth May 11
" Bertha Liloan May 9

^{mc 42}
3822
Inez May 32 - 1/8
married
William Reed - w.

^{mc 42}
3823
Eugenia May 29 - 1/8
married
William Mc Neal - w.

^{mc 42}
3824
Mattie May 25 - 1/8
married
Mathew Weeks - w.

^{mc 42}
3825
Willie Estelle Reed 10
Benjamin Arthur " 9
Pearl " 4
Ludie Anne May " 20 m

^{mc 42}
3826
Tommy Theo Mc Neal 8
Eula " 5
Benla " 5
Joseph " 2

^{mc 42}
3827
Allie Weeks 8
Lee " 7
Waite " 4
Vida " 19 m

For Identification as a Mississippi Choctaw.

Date OCT 24 1901

Name Alice A. May

Age 52 - Blood $\frac{1}{4}$

Post Office, Atoka, I. T.

Father, Joe Slaughter, d.

Mother, Jallie " d.

Claims through Mother,
Husband Ben C. May, w.

No claim for husband

Children:

David A. May, 20

Gary A. " (boy), 17

Theodore E. " 14

Mary E. " 11

Bertha A. " 9

Claims for self
and children

Stenographer

Hae Bedford

Choctaw MCR 3822

Inez Reed

See MCR 3821

MCR 3822

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 24, 1901.

#3822.

In the matter of the application of Ines Reed for the identification of herself and her four minor children, Willie E., Benjamin A., Pearl, and Sudie A. M. Reed, as Mississippi Choctaws.

Applicant not represented by attorney.

Ines Reed, being first duly sworn, upon her oath testified as follows:

Examination by the Commission,

- Q What is your name? A Reed---Ines Reed.
Q I-n-e-s R-e-e-d? A Yes sir, Reed's my husband.
Q What is your age? A Thirty-two years old.
Q What is your post office address? A Atoka.
Q Atoka? A Yes sir.
Q How long have you lived in Atoka? A I have lived here at Atoka for twelve years.
Q Twelve years? A Yes sir.
Q Where did you live before you lived here? A Texas.
Q What place in Texas? A I lived most in Brown County, Texas.
Q Where were you born? A Texas, Freestone County.
Q And always lived in Texas till you came here? A Yes sir.
Q What is your father's name? A B. C. May.
Q What is that? A May---B. C. May.
Q B. C. May? A Yes sir.
Q That's Ben, isn't it? A Yes sir, Ben C. May.
Q Is he living? A Yes sir.
Q What is your mother's name? A Alice.
Q Alice A.? A Yes sir.
Q She is living---she has just made application for identification has she on this date as a Mississippi Choctaw? A Yes sir.
Q Do you want to have her testimony referred to and made a part of yours when yours is examined? A Yes sir.
Q Do you claim through your mother? A Yes sir.

(2).

- Q How much Choctaw blood do you claim? A One-eighth.
Q When and where were your father and mother married? A In Mississippi.
Q Do you know what place in Mississippi? A I do not.
Q Do you know what date they were married? A I do not.
Q Do you know whether they were married under a license and by a minister or not? A I don't.

Reasonable time will be allowed this applicant in which to introduce testimony of the marriage of her father and mother.

- Q Has your mother ever been enrolled in any way or recognized as a Choctaw Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A I don't know.
Q Are you married? A Yes sir.
Q What is your husband's name? A William Reed.
Q Is he an Indian or a white man? A White man.
Q Do you make any claim for him? A No sir.
Q Have you children under twenty-one years of age and unmarried you want to make application for? A Yes sir.
Q What is the name of the oldest? A Willie Estelle----you want the full name?
Q Yes. A Willie Estelle.
Q Boy? A Girl.
Q How old is she? A Ten years old.
Q Next? A Arthur.
Q What? A Benjamin Arthur Reed.
Q How old? A Nine years old.
Q Any others? A Yes sir---Pearl.
Q Just Pearl? A Yes sir, four years old.
Q Any others? A There's May.
Q May? A Well yes, she's got three names. Sudie Annie May is her first name.
Q How old? A She's about twenty months old.
Q You claim for yourself and these children do you? A Yes sir.
Q When and where were you married to your husband, William Reed?
A Here at Atoka.
Q What date? A 15th of October---let's see---I have been married twelve years.
Q 15th of October 12 years ago? A Yes sir.
Q By a minister under a license? A Minister.
Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw Tribal Authorities?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your children, into the Choctaw Nation as members of it, by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States

(3).

- Court in Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for yourself and children for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws, Indians, Claiming under Article XIV of the treaty of 1830? A Yes sir.
- Q You claim under that article? A Yes, I claim under it, yes.
- Q Do you understand Article XIV of that treaty? You have heard it explained have you, two or three times? A Yes sir.
- Q You don't understand it do you yet? A No.
- Q The treaty of 1830 was made between the Choctaw Indians in Mississippi in the old Choctaw Nation---who were then living in the old Choctaw Nation partly in Mississippi and partly in Alabama and the United States Government, September 27th, at a place called Dancing Rabbit Creek in the year 1830. The object of that treaty was the removal of all of the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that quite a number of the Indians would not go to the Choctaw Nation Indian Territory and so in order to protect their interests article XIV was put into the treaty. This is a copy of the treaty and that is Article XIV and it reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article now? A I think so.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of this Article XIV as read here from the treaty of 1830? A I do not.
- Q What is the name of your ancestor who lived in Mississippi or Alabama? A Nancy Robinson.

(4).

- Q How? A Nancy Robinson.
- Q Nancy Robinson? A Yes sir, Robinson.
- Q What relation was Nancy Robinson to you? A She was a great-grandmother.
- Q How much Choctaw blood did she have, do you know? A Yes sir, she was a fullblood.
- Q How do you know she was a fullblood.
- Q I have been told that by my mother.
- Q Have you any other proof of that fact except that your mother has told you? A No sir.
- Q Did you ever hear anybody say who knew Nancy Robinson outside of the family? A No.
- Q How? A No sir.
- Q Did she speak the Choctaw language? A I can't tell.
- Q Did she have an Indian name? A I can't tell that.
- Q Did she live in Mississippi in 1830? A I can't tell that.
- Q Where was she born do you know? A No sir.
- Q Where did she die? A No sir.
- Q You don't know whether she ever lived in Mississippi or Alabama? A I don't.
- Q Didn't you ever hear---hear it stated in the family? A Yes, I have heard that she lived in Mississippi.
- Q How did you hear? Through whom did you hear that she lived in Mississippi? A My mother.
- Q Anybody else? A No sir.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I can't tell.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that she wanted or they wanted to live in Mississippi and take land there? A I can't tell.
- Q Did she or any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory between 1833 and 1838? A I can't tell.
- Q Did she or any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under Article XIV of the Treaty of 1830? A I can't tell.
- Q Did any of your Choctaw ancestors claim under any other article of the Treaty of 1830 than Article XIV, or under the supplement of that treaty? A Don't know.
- Q That is the treaty of 1830 and this is the supplement to it, divided into articles I, II, III, IV. On the part of the Government this treaty was signed by John H. Eaton and John Coffee. On the part of the Indians it was signed by Greenwood LeFlore and others. You don't know whether they claimed under this treaty or any part of it? A No sir, I don't.
- Q According to the provisions of the treaty of Dancing Rabbit Creek which this was sometimes called, the treaty of 1830 was sometimes called, the United States Indian Agent, Colonel Ward, who lived in Mississippi in 1830 was instructed by the Government to make a list of all Choctaw Indians who came before him within six months after the ratification of the Treaty of 1830 and told him that they wanted to stay in Mississippi and take land there. He made a list of comparatively few of the total number of Indians who did go before him and this neglect on his part to make a complete list caused many Indians who had land in Mississippi and Alabama to have that land taken from them by the Government and sold. This caused so many complaints among the Indians that finally Congress by an Act approved March 3rd of the year 1837, appointed a Commis-

(5),

sion. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and made lists of the names of successful claimants. In 1842 another commission was appointed by Congress to go to Mississippi for a similar purpose and they also heard Claimants under Article XIV of that treaty. Do you know if any of your Choctaw ancestors went before either of those Commissions and claimed benefits under article fourteen of that treaty? A I don't.

- Q The Act of Congress approved August 23rd, 1842, provided that if any claimant who came before it proved his claim under article XIV, if it further appeared that he had previously had his land taken from him by the Government, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas and that a certificate should be given to him to that effect. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government? A I don't.
- Q Have you any documentary evidence that you want to introduce now? A No sir.
- Q Would you like time in which to present it? Like time in which to enter any other proof? A Yes.

Reasonable time will be allowed this applicant in which to file documentary or other proper evidence in support of this application which she makes for herself and children, also proof of the marriage of her father and mother.

- Q Do you speak or understand the Choctaw language? A Not much.
- Q Do you understand it at all? A Yes, a few words I understand.
- Q You don't carry on a conversation de you, in Choctaw? A Not a full conversation no.

This applicant has the appearance of being descended from parentage of mixed white and Indian blood. Her appearance shows Indian blood in the dark complexion, black eyes, black hair and other physical characteristics. She does not understand the Choctaw language very well, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Mal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized

(6).

Tribes he reported in full all the proceedings in the above entitled cause on October 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

W. B. Ford

Subscribed and sworn to before me this 26th day of November, 1901.

Clara Mitchell

Notary Public.

COPY.

Huskese, Indian Territory, July 25, 1902.

Inez Reed,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice A. May, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Amelia May, et al.,	M C R 3821
Inez Reed, et al.,	" 3822
Eugenia McNeal, et al.,	" 3823
Mattie Weeks, et al.,	" 3830

These applications were made under the provisions of the act of Congress of June 28, 1900 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Inez Reed-2

Alice Amelia May, David Adolphus May, Cary Augustus May, Theodore Edwin May, Mary Elizabeth May, Bertha Silcott May, Inez Reed, Willie Estelle Reed, Benjamin Arthur Reed, Pearl Reed, Ray Reed, Eugenia McNeal, Tommy Theo McNeal, Eula McNeal, Beula McNeal, Joseph McNeal, Mattie Weeks, Allie Weeks, Lee Weeks, Waite Weeks and Vida Weeks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M. C. R. 2692.

COPY.

Muskogee, Indian Territory, September 6, 1902.

Ines Reed,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on the 28th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Amelia May, et al., of which decision you were advised by registered mail on July 25, 1902.

Yours truly, (SIGNED).

James B. Bixby.

Acting Chairman.

No.

For Identification as a Mississippi Choctaw.

Date

OCT 24 1901

Name *Inez Reed*

Age *32*

Blood *1/8*

Post Office, *Atoka, I. T.*

Father; *Ben C. May,* *l*

Mother: *Alice A "* *l.*

(Claims through mother
Husband
- William Reed, w.
No claim for husband.

Children:

Willie C. (que) " 10

Benjamin A. " 9

Pearl " 4

May A. " 20 m.

Claims for self &
children.

Stenographer

Hal Bedford,

Choctaw MCR 3823

Eugenia McNeal

See MCR 3821

MCR 3823

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 24, 1901.

#3523.

In the matter of the application of Eugenia McNeal for the identification of herself and her four minor children, Tommy T., Lula, Beula and Joseph McNeal, as Mississippi Chestaws.

Applicant not represented by Attorney.

Eugenia McNeal, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A McNeal.
Q What is the full name? A Eugenia.
Q McNeal? A Yes sir.
Q E-e-a-l? A Yes sir, E-e-a-l.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Atoka.
Q How long have you lived at Atoka? A Fourteen years.
Q Where were you born? A Texas.
Q What part of Texas? A Freestons County.
Q And from Texas you went where? A From Texas here.
Q Always lived in Texas till you came here did you? A I was born in Texas.
Q I say you always lived there until you came here? A Yes sir, always lived there.
Q What is your father's name? A May-----E. C. May.
Q Ben C. May? A Yes.
Q He is living? A Yes sir.
Q What is your mother's name? A Alice A. May.
Q She appeared for identification just shortly before----just a few minutes ago, did she? A Yes.
Q Do you want to have her testimony and the testimony of your sister Inez Neal taken together with yours when yours is examined? A Yes sir.
Q You claim through your mother? A Yes sir.

(2).

- Q How much Cheetaw blood do you claim through her? A One-eighth.
- Q Has your mother ever been recognized in any way, or enrolled as a member of the Cheetaw Tribe of Indians by either the Cheetaw Tribal Authorities or the United States Authorities, do you know?
- A No, I don't know.
- Q When and where were your father and mother married? A In Alabama----Mississippi.
- Q Was it Mississippi? A Yes.
- Q What place in Mississippi? A Scott County.
- Q Scott County, Mississippi? A Yes sir.
- Q Have you proof of their marriage with you? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A William McNeal.
- Q Is he an Indian? A No sir.
- Q White man? A White man.
- Q Do you make any claim for him? A No.
- Q What is the name of your eldest child that you desire to make application for? A Tommy Theo.
- Q What? A Tommy Theo.
- Q Tommy? A Yes sir.
- Q Boy or girl? A Boy.
- Q What is the middle name? A T-h-e-o , Theo.
- Q How old is he? A Eight year old.
- Q What is the name of the next? A Eula.
- Q E-u-l-a ? A Yes sir.
- Q How old is Eula? A How old?
- Q How old is she, yes? A Five year old.
- Q Any others? A Beula.
- Q B-e-u-l-a , is it? A Yes sir.
- Q How old is Beula? A Five.
- Q Twins? A Yes sir.
- Q The next? A Joseph.
- Q Joseph? A Yes sir.
- Q How old is Joseph? A Two.
- Q Is that all? A Yes sir.
- Q Is William the father of these children? A Yes sir.
- Q They are living with you at your home are they? A Yes sir.
- Q You claim for yourself and these four children? A Yes.
- Q When and where were you married to your husband? A In Atoka.
- Q What date? A '81.
- Q Day of the month? A It was in '81. I have been married ten years.
- Q How do you remember the day of the month? A 25th.
- Q 25th of what month? A November.
- Q November? A Yes sir.
- Q By a minister under a license? A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Cheetaw Nation in the Indian Territory? A No.
- Q Did you ever make application for citizenship in the Cheetaw Nation for yourself or children to the Cheetaw Tribal Authorities? A No.
- Q Did you ever make application for citizenship in the Cheetaw Nation for yourself or children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No.
- Q Have you ever been admitted with your children to citizenship in the Cheetaw Nation, by either the Cheetaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No.
- Q Do you now come before the Commission for the purpose of being identified and for the identification of your children as Mississ-

(3).

- ippi Choctaws under the XIV article of the Treaty of 1830? A Yes
- Q Do you understand that article? A Not very well, I don't.
- Q You know what a treaty is don't you? A Yes sir.
- Q And do you know what an article in a treaty is? Here is the treaty. It commences with Article I, Article II, Article III, that is a subdivision, one of the subdivisions of a treaty. The Treaty of 1830 was made between the Choctaw Indians who lived in the old Choctaw Nation, partly in Mississippi and partly in Alabama, and the United States Government in the year 1830, at a place called Dancing Rabbit Creek in Mississippi, and the object of that treaty was the removal of all of the Choctaw Indians who lived in that old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect their interests Article XIV was put into the treaty. Now Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article of that treaty now?
- A Yes.
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of this article as read to you? A No.
- Q What is the name of your ancestor who lived in Mississippi or Alabama in 1830? A Robinson.
- Q What was their given name? A Nancy.
- Q What relation was she to you? A My great-grandmother.
- Q How much of a Choctaw Indian was she? A Fourth, I think.
- Q Fullblood----did you say a fourth? A No, fullblood she was----my mother's a fourth.
- Q How do you know that she was a fullblood Choctaw Indian? A That's what my mother told me.

(4).

- Q Always heard it in the family did you? A Yes sir.
- Q Could she speak the Choctaw language? A I don't know.
- Q Did you ever hear that she could? A Yes sir.
- Q How did you hear? A My mother told me.
- Q Did you ever hear your mother talk Choctaw? A No sir.
- Q Did your great-grandmother, Nancy Robinson have an Indian Name?
A I don't know.
- Q Did she have a family living in Mississippi with her in 1830? A I think so
- Q Did you ever hear she did? A I have heard my mother speak about it was all.
- Q Did she own any improvements on land in Mississippi in 1830 or before that time? A I don't know.
- Q Did she or any of your other Choctaw ancestors go to the United States Indian Agent within six months after the ratification of this treaty of 1830, and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama, under Article XIV of the Treaty of 1830? A I don't know.
- Q Did they claim any land or any benefits under any other article of the Treaty of 1830 that Article XIV or under the supplement of that treaty? A I don't know.
- Q In accordance with the provisions of Article XIV of the Treaty of 1830, the United States Indian Agent, Colonel Ward, was instructed by the United States Government to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of this treaty of 1830 and declared to him their intention of becoming citizens of the United States and of remaining in Mississippi and taking land there. This Agent failed to record the names of the greater number of Indians who did come before him pursuant to the conditions of Article XIV, so that Ward's list, or Ward's Register, as it is called, contains the names of only a few of the total number of Choctaw claimants under Article XIV of the whole number who actually did go before him. This neglect on the part of the United States Indian Agent to make a complete list of all who came before him, caused the land to be taken away from a great many Indians who held it in Mississippi and Alabama upon which they had improvements and this caused so many complaints among the Indians in the old Choctaw Nation that Congress, by an Act that was approved March 3, of the year 1837, appointed a Commission and this Commission went to the State of Mississippi and heard claimants under article XIV of that treaty. In 1842 Congress appointed another Commission and this Commission went to Mississippi and heard claimants under article XIV of that treaty. Do you know whether any of your Choctaw ancestors appeared before either of those Commissions, that of 1837 or the Commission of 1842 and claimed benefits under Article XIV of the Treaty of Dancing Rabbit Creek? A No, I don't know.
- Q The Act of Congress approved August 23, 1842, provided that if any claimant who appeared before it should prove his claim under Article XIV, if it also appeared that he had previously had his land taken from him by the Government and sold, that he should be entitled to select land, either in Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate should be issued to him to that effect.

(8).

- These certificates were called scrip. Do you know whether any of your ancestors received any such scrip from the Government of the United States as Cheetaw Indians? A No, I do not.
- Q Have you any documentary evidence that you want to present now in support of your claim---any papers of any kind? A No sir.

Reasonable time will be allowed this applicant in which to file documentary or present other proper evidence in support of this application she makes for herself and children.

- Q Is there anything more you want to say now in support of this claim? A No sir.
- Q Do you speak the Cheetaw language and understand it? A No sir.

This applicant has the appearance and physical characteristics of being descended partly from white and partly from Indian ancestors. She shows plainly a strain of Indian blood in the color of her skin, her cast of features, black eyes and black hair. She has no knowledge of the Cheetaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of the XIV Article of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 30th day of November, 1901.

Clara Mitchell Wood
Notary Public.

COPY.

M C R 3823

Muskogee, Indian Territory, July 28, 1902.

Eugenia McNeal,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice A. May, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Amelia May, et al.,	M C R	3821
Isom Reed, et al.,	"	3822
Eugenia McNeal, et al.,	"	3823
Mattie Weeks, et al.,	"	3830

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Eugenia McNeal-3

Alice Amelia May, David Adolphus May, Cary Augustus May, Theodore Edwin May, Mary Elizabeth May, Martha Siloma May, Ines Reed, Willie Estelle Reed, Benjamin Arthur Reed, Pearl Reed, May Reed, Eugenia McNeal, Emma Mae McNeal, Lula McNeal, Paula McNeal, Joseph McNeal, Mattie Weeks, Allie Weeks, Lee Weeks, Waite Weeks and Vida Weeks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

OFFICE IN CHARGE OF THE COMMISSION

M. C. R. 3823.

Muskogee, Indian Territory, September 5, 1902.

Eugenia McNeal,

Atoka, Indian Territory.

Dear Madam:

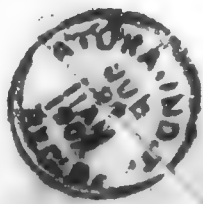
You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Amelia May, et al., of which decision you were advised by registered mail on July 25, 1902.

Yours truly,

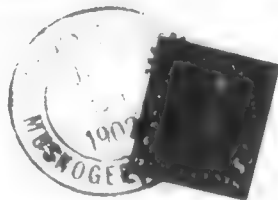

Acting Chairman.

~~SPD~~

3823



75
May 7



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Unclaimed ad.



Indian Territory.



DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.

FILED

NOV 7 1902

[Signature]
SPECIAL AGENT IN CHARGE

unknown



Department of the Interior.

Commission to the Five Civilized Tribes,

MURKREE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Eugenia McNeal,

Atoka, Indian Territory



For Identification as a Mississippi Choctaw.

Date OC 24 1901

Name Eugenia M^c. Neal

Age 29

Blood 1/8

Post Office, Atoka, I. T.

Father: Ben C. May, l.

Mother: Alice A. May, l.

Claims through mother,
~~husband~~ William M^c Neal, w.

No claim for husband.

Children:

Tommy J. M^c Neal, 8

Eula twins " 5

Beula " 5

Joseph " 2

Claims for self &
Children.

Stenographer

Neal Bedford

Choctaw MCR 3824

Charlie A. Allen

See MCR 3772

MCR 3824

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 24, 1901.

#3624.

In the matter of the application of Charlie A. Allen
for the identification of himself and his minor child, Albert J. Allen
as Mississippi Choctaws.

Applicant not represented by attorney.

Charlie A. Allen, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Charlie A. Allen.
Q How do you spell that Charlie? A C-h-a-r-l-i-e .
Q Charlie A. Allen? A Yes sir.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Sherman, Texas.
Q How long have you lived in Sherman? A Twenty-nine years around
there.
Q Always lived there? A Yes sir.
Q Have you a street number? A No sir.
Q What is your father's name? A Isaac B. Allen.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary J. Allen.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians by the Choctaw Tribal Auth-
orities or the United States Authorities? A No sir, not till
right here lately.
Q When and where were your father and mother married? A At Sherman
Q Sherman, Texas----do you remember the date? A 17th of December,
1868.
Q Is this a certified copy of the marriage license and certificate
of Isaac B. Allen and Mary J. Holloway? A Yes sir.

(2).

- Q That is Mary J. Allen now, your mother? A Yes sir.
Q Have you a certified copy of this marriage license and certificate to present in your case? A Yes sir.
Q Well, is this yours? A That's my father's. He has put in his application.
Q Well, do you wish to introduce this? A Yes sir.

Certified copy of the marriage license and certificate between Isaac B. Allen and Mary J. Halloway is presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

- Q Have you children? A Yes sir, one.
Q You are married, are you? A Yes sir.
Q What is your wife's name? A Ida.
Q Ida? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Do you claim for her? A No sir.
Q Have you children you want to make application for? A Yes sir.
Q What is the name? A Albert J.
Q Albert J.? A Yes sir.
Q How old is he? A One year old.
Q Any other children? A No sir.
Q Is Ida Allen the mother? A Yes sir.
Q You are the father? A Yes sir.
Q You claim for yourself and this child, do you? A Yes sir.
Q When and where were you married to your wife Ida? A Dallas.
Q Dallas, Texas? A Yes sir.
Q What time? A 26th day of April, '99.
Q Have you your marriage license and certificate with you of your marriage to her? A Yes sir.
Q Here? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Is this the first application of any kind you have ever made for citizenship in the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of your child as a Mississippi Choctaw? A Yes sir.
Q Claiming under Article XIV of the Treaty of 1830? A Yes sir.
Q You understand Article XIV of that treaty? A Why, very little. you have explained it this morning.

(3).

- Q How many times have you heard it read and explained? A Three or four times this morning, since you have been talking here. I have been listening to it.
- Q I have explained it in your presence four different times, havn't I? A Yes sir.
- Q Now do you want a further explanation of it, or do you understand it? A Why, I believe I understand it as well as I would if you was to explain it to me again.
- Q This article will be read to you in order that it may be made a part of your record, and to refresh your memory. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors ever complied or attempted to comply with any of these provisions in this Article XIV? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified now? A William Allen.
- Q William Allen----how much Choctaw blood did William Allen have? A About a half.
- Q You think a half? A Yes sir.
- Q You claim through your father, do you? A Yes sir.
- Q Isaac B. Allen? A Yes sir.
- Q He has been before the Commission hasn't he? A Yes sir.
- Q Did William Allen ever live in Mississippi? A I don't know.
- Q Or Alabama? A Couldn't tell.
- Q You claim through your father. He claimed through which parent--- father or mother? A Father.
- Q What was his father's name? A Green Allen.
- Q Green Allen----his father's name was what? A Green Allen's father?
- Q Yes. A William Allen.
- Q You don't know whether Green or William ever lived in Mississippi

(4).

- or Alabama, do you? A No sir, I do not.
- Q Do you know whether any of your Choctaw ancestors ever claimed any land in Mississippi or received any under Article XIV of the Treaty of 1830? A No sir, I do not.
- Q Do you know whether they claimed or received any land under any other article of the Treaty of 1830 than Article XIV, or under the supplement of that treaty? A No sir.
- Q Did they ever own any improvements on land in Mississippi or Alabama in 1830 or any time before that year? A I don't know.
- Q Did they ever go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the United States Indian Agent, that were Choctaw Indians in Mississippi, their intention to remain in Mississippi and take land there? A I don't know.
- Q In accordance with the provisions of Article XIV of the Treaty of 1830, the Government required the United States Indian Agent who lived in Mississippi to make a list of the names of all Choctaw Indians who claimed benefits under article fourteen of that treaty and who went to his office and told him that they intended to stay in Mississippi take land there and become citizens of the States. This Indian Agent put upon his list, known as Ward's Register, the names of only a few of the total number of Choctaw claimants who claimed benefits under Article XIV. This neglect on his part to make a full list of the names of all Choctaw Indians caused the land to be taken from a great many Indians who occupied it in Mississippi and Alabama. It was taken from them by the Government and sold at their public land sales together with the improvements thereon. This caused many complaints among the Indians so that in 1837 a Commission was appointed by Congress which Commission went to the state of Mississippi and heard a great many Choctaw claimants under Article XIV and made a list of the names of successful claimants. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also heard many claimants under Article XIV and made lists of the names of successful claimants under that article. Do you know if any of your Choctaw ancestors appeared either before the Commission of 1837 or the Commission of 1842 and claimed benefits under Article XIV of that treaty? A I don't know.
- Q Have you any documentary evidence besides this copy of the marriage license between your father and mother that you want to introduce? A I have an application. Do you want their marriage certificate.
- Q Just give me all the papers.

Marriage license and certificate of Charlie A. Allen and Miss Ida Davis presented by applicant, received, filed, marked exhibit "B" and made a part of the record in this case.

Petition of Charlie Allen presented by him, received, filed marked exhibit "C", and made a part of the record in this case.

(5).

Reasonable time will be allowed this applicant in which to introduce other testimony or affidavits if he desires in support of his claim.

- Q Do you speak or understand the Cheetaw language? A No sir.
Q What relatives have appeared here before this Commission do you know? A The Spurlins.
Q Besides your father Isaac B. Allen? A Yes sir.
Q Isaac B. Allen, Joseph T. Spurlin, Dixon G. Spurlin, John A. Waldrop, Achilles A. Waldrop, Emet Holloway, Mary E. McCurdy, Linna B. Dodson, Prudie E. Wooten, Sallie Watts, Eliza Holloway, Green A. Martin, Fannie E. Hall, Mary E. Franklin, and Kate O. Watts. These are all kin folks of yours are they? A Yes sir.
Q And all claim through William Allen? A Yes sir.
Q Do you want to have the testimony in their cases and the records in their cases considered in connection with yours that you may get the benefit of what they have testified to? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Has blue eyes, light complexion, light sandy hair. Does not understand the Cheetaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, on October 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford
Subscribed and sworn to before me this 30th day of November, 1901

Wm. M. H. H. H.
Notary Public.

Muskogee, Indian Territory, December 7, 1901.

Charley A. Allen,
Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fourth instant, in which you ask if any evidence has been offered for filing in support of your application for identification as a Mississippi Choctaw by your attorney G. W. Goodwin. You also ask concerning the ability and reliability of G. W. Goodwin as an attorney.

In reply to your letter you are informed that the only documentary evidence which has been filed in support of your claim to identification as a Mississippi Choctaw is the marriage certificate between Charley A. Allen and Ida Davis, which was offered by you at the time of your personal appearance at Atoka, Indian Territory, October 24, 1901. Your written application was also made a part of the record at that time. Since that date no papers have been offered for filing in support of your claim. If you now wish to offer evidence in support of your application, the Commission will hear the testimony of such witnesses as may present themselves at its office at Muskogee, Indian Territory; if your witnesses live in Mississippi they may be heard at the office of the Commission at Meridian

C.A.A. 2

Mississippi, between January 15 and February 15, 1902. If you cannot secure the personal attendance of witnesses, their depositions will be considered, when taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules is herewith inclosed for your information.

The Commission cannot advise you as to either the ability or reliability of any attorneys. G. W. Goodwin has not been admitted to represent clients before the Commission, as he has never complied with the rules and regulations governing the recognition of attorneys and agents by the Commission.

Yours truly,

Commissioner in Charge.

MC 3824

COMMISSIONERS.

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3824

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 6, 1902.

Charlie A. Allen,
Sherman, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3799
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3764
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3765
Isaac B. Allen, et. al.,	M C R 3634
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3775
Alfred J. Roberson,	M C R 3808
Elizabeth I. McMahan, et. al.,	M C R 3771
John A. Waldrop,	M C R 3647
Achilles A. Waldrop,	M C R 3618
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3616
Dixon G. Spurlin,	M C R 3619

These applications were made under the provision of the Act of Congress of June 28, 1898. (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Kirby

Acting Chairman.

Registered.

H.C.N. 3834

COPY.

Muskogee, Indian Territory, March 24, 1903.

Charlie A. Allen,

Sherman, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Tams Bixby.

Chairman.

No. _____
For Identification as a Mississippi Choctaw.

Date

OCT 24 1901

Name Charlie A. Allen

Age

29

Blood

1/16

Post Office, Sherman, Texas,

Father: Isaac B. Allen, l.

Mother: Mary J. Allen, l.

Claims through

father.

Wife,

Ida

Allen, w.

No claim for wife.

Children:

Albert J. Allen, l.

Claims for self
& child -

Stenographer

Kae Belford

Choctaw MCR 3825

Clara P. Duke

See MCR 3772

MCR 3825

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 24, 1901.

#3825.

In the matter of the application of Clara P. Duke for the identification of herself and her two minor children, Irene and Luch Caughey, as Mississippi Choctaws.

Applicant not represented by attorney.

Clara P. Duke, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Clara P. Duke.
Q What is your age? A Thirty-one.
Q What is your post office address? A Sherman, Texas? A Yes sir.
Q How long have you lived there? A All my life.
Q Born in Sherman, Texas? A Yes sir.
Q What is your father's name? A Isaac B. Allen.
Q Is he living? A Yes sir.
Q He has appeared before the Commission for identification has he?
Q He has been here? A Yes sir.
Q What is your mother's name? A Mary J. Allen.
Q Is she living? A Yes sir.
Q Do you claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q When and where were your father and mother married? A They were married in Texas.
Q Do you know what place and what time? A No sir, I do not.
Q Have you proof of their marriage with you? A Yes, we have their certificate.
Q You have it? A No, my brother gave it to you a little bit ago.
Q You will have to have the evidence in your case also; furnish these papers you know in each individual case. You can get it later I presume or a copy of it. A Yes sir.
Q Has your father ever been recognized in any way, or enrolled as a

(2).

- member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Mason Duke.
- Q Mason? A Yes sir.
- Q White man? A Yes sir.
- Q You don't claim for him then do you? A No sir.
- Q Have you any children you want to make application for? A Yes sir, I have two.
- Q What is the name of the oldest? A Irene.
- Q Irene Duke? A No, it's Caughey. I have been married twice. They are by my first husband.
- Q Caughey? A Yes, C-a-u-g-h-e-y. Ten years old.
- Q What is the name of the next? A Lucy Caughey.
- Q How old? A Eight years old.
- Q Is that all? A Yes sir.
- Q What is the name of the father of these two children? A Van B. Caughey.
- Q V-a-n? A yes sir.
- Q B.? A Van B. Caughey.
- Q He is dead, is he? A yes sir.
- Q Was he a white man? A Yes sir.
- Q When and where were you married to Van B. Caughey? A Sherman, Texas.
- Q When? A December 28, 1890.
- Q By a minister under a license? A Yes sir.
- Q When and where did he die? A Near Sherman, Texas.
- Q Died where? A In Texas, 3rd day of September, 18 and 94.
- Q Where is Texas did he die? A Sherman.
- Q Is your name or the names of these children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation? A No sir.
- Q For yourself or children to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted with your children to citizenship in the Choctaw Nation? A No sir.
- Q By either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application for citizenship in the Choctaw Nation you have ever made for yourself and children either to the Choctaw Tribal Authorities or to the United States Authorities? A Yes sir.
- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article XIV of that treaty? A No sir.
- Q The treaty of 1830 was made between the Choctaw Indians and the United States Government in 1830 at a place called Dancing Rabbit Creek in Mississippi. At that time the Choctaw Nation was comprised within a portion of the state of Mississippi and a small portion of the western part of the state of Alabama. The object of the treaty was the removal of all of the Choctaw Indians from

(3).

that old Choctaw Nation to the new Choctaw Nation west of the Mississippi River in the Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians would not remove with the other Indians to the new Choctaw Nation and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that now? A Yes sir.
- Q Do you know whether any of your ancestors complied or attempted to comply with any of those provisions of that article? A I don't know.
- Q What is the name of your ancestor who lived there in Mississippi or Alabama if you know? A William Allen.
- Q Do you know that he lived in Mississippi or Alabama? A No sir.
- Q You don't know which state or whether he lived in either? A No sir.
- Q How much Choctaw blood did he have? A Half.
- Q How do you know he had a half? A I don't know.
- Q How? A Just by what I have been told.
- Q You have been told in the family? A Yes sir.
- Q Who told you in the family? A Father.
- Q Isaac B. Allen? A Yes sir.
- Q He never told you where William Allen was born or where he died or where he lived? A No sir.
- Q And you never heard that anywhere? A No sir.
- Q What was his son's name? A William Allen's son.
- Q Yes? A Green Allen.
- Q Do you claim through him, too? A Yes sir.
- Q Do you know whether he ever lived in Mississippi or Alabama? A No sir.

(4).

- Q Do you know where he was born and when? A No sir.
- Q When and where he died? A No sir.
- Q You claim through which parent, father or mother? A Father.
- Q Your father? A yes sir.
- Q He claims through which parent? A His father.
- Q What was his father's name? A My father's father's name was Green Allen.
- Q Green Allen? A Yes sir.
- Q Did your father ever live in Mississippi? A No sir.
- Q Where was he born? A Louisiana.
- Q When? A I couldn't tell you.
- Q How old is he now---your father? A Fifty-four, I believe.
- Q You don't know whether his father or his grandfather ever lived in Mississippi or Alabama? A No sir, I do not.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830, or any time before that? A I do not know.
- Q Did any of your Mississippi Choctaw ancestors within six months after the ratification of the treaty of 1830, go before the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there and become citizens of the States? A I do not know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi as beneficiaries under Article XIV of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land or any benefits whatever under any other article of the treaty of 1830 than Article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I do not know.
- Q In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent, Colonel Ward was requested by the Government of the United States to make a list of the names of all Choctaw claimants who came before him within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the States. This Indian Agent made a list of names called Ward's Register, but it contains the names of only a few of the total number of Indians who came before him within six months from the ratification of the treaty of 1830, as provided in Article XIV. This failure on the part of the United States Indian Agent to make a proper and complete list of all claimants who did go before him, caused the land to be taken from a great many Indians who lived in Mississippi and Alabama. The Government took it and sold it at its public land sales together with all improvements upon it. This led to so many complaints among the Indians that finally in 1837 Congress appointed a Commission which went to the State of Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose, and that Commission went to the State of Mississippi and heard claimants under Article XIV of the treaty of 1830, and made lists of the names of successful Choctaw claimants under Article XIV. Did any of your ancestors, William Allen, or Green Allen, or any others of your Choctaw ancestors go before either of those Commissions and claim benefits under Article XIV of the treaty of Dancing Rabbit Creek? A I do not know.

- (8).
- Q The Act of Congress approved August 23, 1842 provided that if any claimant appeared before it and proved his claim under Article XIV of that treaty, if it also further appeared that his land had been previously sold by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from Vacant Public Land, and that a certificate should be given to him to that effect. These certificates were called scrip. Did any of your Chectaw ancestors receive any such scrip from the Government if you know? A Not that I know of.
- Q Have you any documentary evidence that you want to present now in support of your claim? A Yes sir.

Petition of Clara P. Duke sworn to by her, presented, received, filed, marked exhibit "A" and made a part of the record in this case.

- Q Have you any other evidence you want to present? A No sir.
- Q Do you want time for the introduction of other testimony, evidence or documents? A Yes sir.
- Q You will take a little more time will you? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish other documentary evidence in support of her application. Also proper testimony of any kind that she desires to offer.

- Q Do you speak or understand the Chectaw language? A No sir.
- Q Is there anything more you would like to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Light complexion, blue eyes, light hair. She does not understand the Chectaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 30th day of November, 1901.

Clara Mitchell Wood
Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3825

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. December 6, 1902.

Clara P. Duke,

Sherman, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R	3772
Mary E. McCurdy, et. al.,	M C R	3776
Cora Vaughan, et. al.,	M C R	3780
Robert Holloway,	M C R	3788
Sallie Watts,	M C R	3779
Emmet Holloway, et. al.,	M C R	3775
Kate O. Watts,	M C R	3785
Louisiana A. Holloway, et. al.,	M C R	3781
George W. Holloway, et. al.,	M C R	3790
Mark Holloway,	M C R	3780
Mary L. Allsup, et. al.,	M C R	3786
Green A. Martin, et. al.,	M C R	3782
Mary E. Franklin,	M C R	3784
Henry G. Martin, et. al.,	M C R	3764
Fannie E. Hall, et. al.,	M C R	3788
Annie L. Francis,	M C R	3787
Gussie M. Johnson, et. al.,	M C R	3791
John N. Martin, et. al.,	M C R	3792
James A. Martin, et. al.,	M C R	3765
Isaac B. Allen, et. al.,	M C R	3844
Clara P. Duke, et. al.,	M C R	3825
John G. Allen, et. al.,	M C R	3826
Charlie A. Allen, et. al.,	M C R	3824
James T. Allen,	M C R	3828
Henry C. Allen,	M C R	3827
Linna B. Dodson,	M C R	3777
Mary M. Waldrop, et. al.,	M C R	3775
Alfred J. Roberson,	M C R	3808
Elizabeth I. McMahan, et. al.,	M C R	3771
John A. Waldrop,	M C R	3847
Achille A. Waldrop,	M C R	3848
Prudie E. Wooten, et. al.,	M C R	3778
Joseph T. Spurlin, et. al.,	M C R	3845
Dixon G. Spurlin,	M C R	3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Smith

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Clara P. Duke,

Sherman, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

SIGNED

Yatne B. Bly

Chairman.

No. 3825

For Identification as a Mississippi Choctaw.

Date OCT 24 1901

Name Clara P. Hunkel

Age 31

Blood 1/16

Post Office, Sherman, Texas.

Father: Isaac B. Allen, l.

Mother: Mary J. " l

Claims through father.
Husband Mason Hunkel.
No claim for husband

Children:

Irene ~~7~~ Caughey, 10

Lucy " 8

father

Van B. Caughey (d)

(white)

Claims for self &
children.

Stenographer

Walter Belford

Choctaw MCR 3826

John G. Allen

See MCR 3772

MCR 3826

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 24, 1901.

#3826.

In the matter of the application of John G. Allen for the identification of himself and his minor child, Dwight V. Allen, as Mississippi Choctaws.

Applicant not represented by Attorney.

John G. Allen, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A What is my name?
Q Yes sir. A John G. Allen.
Q John G. Allen? A Yes sir.
Q What is your age? A Thirty years.
Q Thirty? A Yes sir.
Q What is your post office address? A Gunter.
Q Texarkana. A Yes sir.
Q How long have you lived there? A One year.
Q Where were you born? A Louisiana.
Q What place? A In Bossier Parish, near Plain Dealing.
Q When did you leave Louisiana? A About six months old.
Q Where did you go? A To Grayson County, Texas.
Q Have you lived there since? A Yes sir.
Q What is your father's name? A Isaac B. Allen.
Q He is living, is he? A Yes sir.
Q He has recently been before the Commission for identification?
A Yes sir.
Q What is your mother's name? A Mary J. Allen.
Q Is she living? A Yes sir.
Q Do you claim through your father? A Yes sir.
Q How much Choctaw blood do you claim through him? A A sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Auth-

(2).

- crities or the United States Authorities? A Not that I know of.
- Q When and where were your father and mother married----if you know? A I know where: they was married in Texas. I don't know when.
- Q Married where? A In Texas.
- Q What place? A Near Sherman, Grayson County.
- Q Do you know when? A Not the date, no sir. Not the year I don't believe.
- Q Have you the proof of their marriage with you? A No sir.
- Q Think you can get it? A Yes sir.
- Q Reasonable time will be allowed you in which to offer the proof of the marriage of your father and mother. Are you married? A Yes sir.
- Q What is your wife's name? A Lura Elizabeth.
- Q What? A Lura Elizabeth.
- Q L-u-r-a ? A L-u-r-a , yes sir.
- Q Do you make any claim for her? A No sir.
- Q Is she an Indian or a white woman? A White woman.
- Q Have you any children you want to make application for? A One.
- Q What is this child's name? A Dwight V.
- Q What? A Dwight Vivian----Dwight V.
- Q How old is he? A One year.
- Q Is Lura E. Allen the mother of this child? A Yes sir.
- Q you are the father? A Yes sir.
- Q The child is living with you at your home? A Yes sir.
- Q Were you ever married before you married Lura E. Allen? A No sir.
- Q Was she ever married before she married you? A No sir.
- Q When and where were you married to her? A In Grayson County, Texas.
- Q Do you remember the date? A '98, 20th of November.
- Q What year? A What year?
- Q Yes. A '98----1898.
- Q Have you your marriage license and certificate with you? A No sir.
- Q Do you want time in which to present it? A Yes sir.

Reasonable time will be allowed applicant to present proof of his marriage with his wife.

- Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in the Indian territory? A Not that I knew of.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Commission to the Five Civilized Tribes, the Choctaw Tribal Authorities, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind you ever have made for yourself and child for citizenship in the Choctaw Nation? A Yes sir.

(3).

- Q Do you now come before the Commission in order that you may be identified and for the identification of this child as Mississippi Choctaws? A Yes sir.
- Q Under Article XIV of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Well, no, not any too well. I understand what it means.
- Q You have heard it to-day a number of times? A Yes sir.
- Q You heard it read and explained did you? A Yes sir.
- Q Now do you want it explained further? A Why, I don't know that it's necessary.
- Q You waive the explanation do you? A Yes sir.
- Q I will read it to you so that it will be fresh in your mind. Article XIV of this Treaty of 1830 is as follows;

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

- Q Now do you think you understand that article? A I think so, yes sir.
- Q Do you know whether any of your ancestors complied with its provisions? A No sir, I do not.
- Q What is the name of your ancestor that you claim through? A William Allen.
- Q Do you know if he ever lived in Mississippi? A Don't know.
- Q Do you know where he was born? A No sir.
- Q Or where he died or when? A No sir.
- Q Was he a Choctaw Indian? A Claimed to be.
- Q How much? A Half.
- Q Half or whole or how much? A Half-breed.
- Q How do you know he was half blood? A I have been taught that he was.
- Q Who told you? A My father.
- Q Taught in the family? A Yes sir.

(4).

- Q Did he have an Indian name, do you know? A I don't know.
- Q Did he speak the Choctaw language? A Don't know.
- Q What was his son's name? A Green Allen.
- Q Do you claim through Green; is that the line? A Yes sir.
- Q Did he live in Mississippi do you know? A Don't know.
- Q Do you know when and where he was born? A No sir.
- Q When and where he died? A He died in Louisiana, don't know when.
- Q Did any of your ancestors live in Alabama? A Don't know.
- Q You claim through your mother---your father, Isaac B. Allen. His father was Green Allen? A My father's father.
- Q Yes. A Yes sir.
- Q Your grandfather. Now, was Isaac B. Allen ever in Mississippi? A Never lived there.
- Q He never lived in Mississippi? A No.
- Q Did any of your ancestors have or own any improvements on land in Mississippi in 1830, or Alabama, if Choctaw Indians? A Don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of them ever go from Mississippi or Alabama to the Choctaw Nation, Indian territory, with the other Indians between 1833 and 1838? A Don't know.
- Q Did any of your ancestors as Choctaw Indians own or claim any land in Mississippi under Article XIV of the Treaty of 1830? A I don't know.
- Q Did they claim any land or any benefits under any other article of the treaty of 1830 than Article XIV, or under the supplement of that treaty? A I don't know.
- Q According to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the United States Indian Agent living in Mississippi in 1830 was instructed by the Government to make a list of the names of all Choctaw claimants who made declarations before him within six months from the ratification of the Treaty of 1830 of their intention to stay in Mississippi and take land there. He made a very incomplete list which contained the names of only a few of the Choctaw claimants who came before him under Article XIV. On account of his negligence a great many Indians who lived upon land in Mississippi upon which they had improvements lost both the land and improvements. They were sold by the Government at its public land sales. This caused a great many complaints on the part of those Choctaw Indians and as a result of the complaints in 1837, by Act of Congress approved March 3rd of that year, a Commission was appointed, which Commission went to the state of Mississippi and heard claimants under Article XIV and made a list of successful claimants under that article. In 1842 Congress appointed another Commission to go to Mississippi and they heard claimants under Article XIV and made a list of successful claimants. Did any of your ancestors go before either of those Commissions and claim benefits under Article XI V, do you know? A I don't know.
- Q The Act of Congress of August 23, 1842 provided that if any claimant claiming under Article XIV should come before it and prove his claim, if it also appeared that his land had been taken from him by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate should be issued to him to that effect. Did

(5).

any of your ancestors receive any such certificate or scrip as it was called from the Government? A Not that I know of.

Q Have you any documentary evidence you want to give me now. Any papers of any kind? A Yes sir.

Petition of John G. Allen presented by him, received, filed marked Exhibit "A" and made a part of the records in this case.

Q Have you any other evidence you want to present at present? A No sir.

Reasonable time will be allowed this applicant in which to file other documentary evidence in support of his claim.

Q Is there anything more you want to say about the claim? Anything you can think of that you want to say? A Why, I believe not. I don't know anything about it.

Q I want to ask you who some of your relatives are that have come here before for identification. Relatives of yours. The Spurlins and the Martins. Do you know them? A Yes sir.

Q Just name over two or three. A Name the Given names?

Q Yes, the full names like you gave your name here. A I don't know the first and second names. Well, there's Joe Spurlin and Dixon Spurlin and there's Betty Waldrop, she was a Spurlin and Malinda Spurlin and Jim Martin.

Q Isaac B. Allen, Joseph T. Spurlin, Dixon G. Spurlin, John A. Waldrop, Achilles A. Waldrop, East Holloway, Mary E. McGurdy, Linna B. Dodson, Prudie E. Wooten, Sallie Watts, Eliza Holloway, Green A. Martin, Fannie E. Hall, Mary E. Franklin, Kate O. Watts, Clara P. Duke, and Charlie A. Allen. These are all relatives of yours are they not? A yes sir.

Q And all claim through William Allen? A Yes sir.

Q Do you want their testimony considered with yours as a part of your case when yours is considered by the Commission? A yes sir

This applicant has the appearance and physical characteristics of being descended from White parentage. Medium light complexion, blue eyes, dark brown hair. Has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

(6).

Hal Gelford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Gelford

Subscribed and sworn to before me this 7 day of December, 1901.

Clara Mitchell Wood

Notary Public.

Muskogee, Indian Territory, February 13, 1902.

John G. Allen,

Gunter, Texas,

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between J. G. Allen and Laura Blankenship which is offered for filing in support of the application for identification as Mississippi Choctaws of John G. Allen, et al. M.C. 3826, and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3826

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

John G. Allen,

Gunter, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M C R 3772
Mary E. McCurdy, et. al.,	M C R 3776
Cora Vaughan, et. al.,	M C R 3790
Robert Holloway,	M C R 3788
Sallie Watts,	M C R 3779
Emmet Holloway, et. al.,	M C R 3775
Kate O. Watts,	M C R 3785
Louisiana A. Holloway, et. al.,	M C R 3781
George W. Holloway, et. al.,	M C R 3790
Mark Holloway,	M C R 3789
Mary L. Allsup, et. al.,	M C R 3786
Green A. Martin, et. al.,	M C R 3782
Mary E. Franklin,	M C R 3784
Henry G. Martin, et. al.,	M C R 3784
Fannie E. Hall, et. al.,	M C R 3783
Annie L. Francis,	M C R 3787
Gussie M. Johnson, et. al.,	M C R 3791
John N. Martin, et. al.,	M C R 3792
James A. Martin, et. al.,	M C R 3785
Isaac B. Allen, et. al.,	M C R 3844
Clara P. Duke, et. al.,	M C R 3825
John G. Allen, et. al.,	M C R 3826
Charlie A. Allen, et. al.,	M C R 3824
James T. Allen,	M C R 3828
Henry C. Allen,	M C R 3827
Linna B. Dodson,	M C R 3777
Mary M. Waldrop, et. al.,	M C R 3773
Alfred J. Roberson,	M C R 3848
Elizabeth I. McMahan, et. al.,	M C R 3771
John A. Waldrop,	M C R 3847
Achilles A. Waldrop,	M C R 3848
Prudie E. Wooten, et. al.,	M C R 3778
Joseph T. Spurlin, et. al.,	M C R 3845
Dixon G. Spurlin,	M C R 3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ila Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth L. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 3326

COPY.

Muskogee, Indian Territory, March 24, 1903.

John G. Allen,

Gunter, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

respectfully,

SIGNE

Tams Birby

No.

3826

For Identification as a Mississippi Choctaw

Date *g* OCT 24 1901

Name

John ~~W~~ Allen

Age 30

Blood *1/6*

Post Office, *Gunter, Texas,*

Father: *Isaac B. Allen, b.*

Mother: *Mary J. " c*

Claims through *father*

wife, Lura E. Allen, w.

No claim for wife.

Children:

Dwight V. Allen,

*Claims for self
and child.*

Stenographer

Hal Belford

Choctaw MCR 3827

Henry C. Allen

See MCR 3772

MCR 3827

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 24, 1901.

#3687.

In the matter of the application of Henry C. Allen for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Henry C. Allen, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is your full name? A Henry C. Allen.
Q What is your age? A Twenty-six.
Q Post Office address? A Sherman, Texas.
Q How long have you lived there? A I have lived there all my life.
Q Born in Sherman, Texas? A Born right near Sherman.
Q What is your father's name? A Isaac B. Allen.
Q He is living is he? A Yes sir.
Q He has appeared for identification as a Mississippi Choctaw hasn't
he? A Yes sir.
Q What is your mother's name? A Mary J. Allen.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Through my
father.
Q How much do you claim? A Sixteenth.
Q Has your father ever been recognized or enrolled as a Mississippi
Choctaw by the Choctaw Tribal Authorities or the United States
Authorities? A Not as I know of.
Q Have you proof of the marriage of your father and mother with you?
A No sir.
Q Can you get it? A Yes sir, I suppose so.
Q You will be given time in which to do so. Are you married? A No
sir.
Q Claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
the Indian Territory? A Not as I know of.

(2).

- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for enrollment as a Choctaw citizen to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for enrollment or membership in the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming an interest in the Choctaw lands in the Indian Territory under Article fourteen of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Well, I understand it pretty well, but not thoroughly understand it.
- Q Do you wish to have it read and explained to you again? A Well, it might be a little benefit to me---help me along a little, yes sir.
- Q Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

- Q This article was put into the treaty of 1830 in order that the interests of those Choctaws might be preserved who, when that treaty was made refused to leave the old Choctaw Nation in Mississippi and Alabama and go with the other Indians to the new Choctaw Nation in the Indian Territory. This treaty of 1830 of which Article XIV is a part was made between the Choctaw Indians

(3).

who lived in Mississippi and Alabama in 1830 and the United States Government. The object of the treaty was the removal of all of the Indians who lived in that old Choctaw Nation to the new Choctaw Nation Indian territory. The purpose of the Government in removing them was to look after their interests in a territory where they might have a Tribal Government undisturbed by other people, and where they could give them better protection than they could if they lived in a State where they were continually harassed and encroached upon by the white people living in that state and because they were in a state the Government claimed that they could not interfere with the state in its own internal affairs. In other words it was a question as to whether the Government could interfere with state rights to protect the Indians. That question of state rights wouldn't enter into it if they were in a territory where is was United States land, but a good many Indians wouldn't go, and in order to protect the interests of those Indians who staid back there Article XIV was put into the treaty, this same article which was read to you. Now that article means this: Each Choctaw head of a family desiring to stay back there in the old Choctaw Nation in Mississippi, and desiring also to become a citizen of the States----he must wish to stay there and must wish to become a citizen of the states, and he must desire to take land in Mississippi. And this article said he might do it if he would go to the Indian Agent within six months after the treaty was ratified and told him that he wanted to stay there, wanted to take land there and wanted to become a citizen of the States. Then if he lived on that land five years he could get a title deed to it from the Government. He himself could have a square mile of land. All his children over ten years of age could have half a square mile and each one of his children under ten years of age could have a quarter of a square mile. He must make his selection where he had his improvements. If he had a house or other improvements built on a certain piece of land, there was where he must make his selection to include at least a part of the improvement, and the children's land should be adjoining his where he got it. Now if he did this, that is, went to the Indian Agent and told him he wanted to stay in Mississippi, and if he signified his intention to become a citizen of the States, and if he told the Agent that he wanted land, and if he lived upon land intending to get a deed of it for five years if he did anyone of these things, afterwards he could go to the Choctaw Nation Indian Territory and become a citizen of that new Choctaw Nation and have the rights to citizenship there, which included the right of course to occupy land there just the same as other Choctaw Indians. The only thing that he could not have was an interest in the Choctaw annuities which was an annual payment of money for a certain number of years to every member of the Tribe who first went under the Treaty of 1830 to the Choctaw Nation, Indian Territory. Now do you understand that article?

A Yes, I believe I do.

- Q Do you know whether any of your Choctaw ancestors complied with or attempted to comply with any of the provisions of that Article XIV of the treaty of 1830 as read and explained to you? A No sir I don't.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified? A William Allen.
- Q What relation was William Allen to you? A He was my great-grandfather.
- Q What was his son's name through whom you claim? A Green Allen.

(4).

- Q And what was his son's name through whom you claim? A Isaac B. Allen.
- Q Isaac B.----that's your father. A Yes sir.
- Q How much Choctaw blood did William Allen have? A He claimed to be half, I think.
- Q How? A Claimed to be half.
- Q How do you know that he was a half Choctaw? A I have been taught that.
- Q Do you know anything other than what was understood----what you have heard in the family? A No sir.
- Q Did he have an Indian name? A I don't know.
- Q Did he speak the Choctaw language? A I don't know.
- Q Did Green Allen? A I don't know.
- Q Did he have an Indian name? A I don't know.
- Q Did William Allen or Green Allen ever live in Mississippi? A I don't know.
- Q Did they ever live in Alabama? A Couldn't tell you.
- Q You can't tell where William Allen was born or where, or when and where he died? A No sir.
- Q Or when and where Green Allen was born and when and where he died? A No sir.
- Q Where was your father born? A I don't know. I never asked him.
- Q Well, do you know when he was born? A No sir, I do not.
- Q Did you ever hear that Green Allen or William Allen ever lived in Mississippi or Alabama? A No sir.
- Q Didn't ever hear it in the family or didn't your father ever say so? A No sir.
- Q Do you know whether any of your Choctaw ancestors ever owned any improvements on land in Mississippi or Alabama in 1830 or any time before that? A No sir.
- Q Can you give the name of any of your Choctaw ancestors who was the head of a family in Mississippi or Alabama in 1830? A No sir.
- Q William Allen might have been but you don't know that fact do you? A No sir.
- Q Green Allen might have been but you are not able to testify to it? A No sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there? A I couldn't tell you.
- Q Did any of your Choctaw ancestors to your knowledge ever receive or claim any land in Mississippi under article fourteen of the treaty of 1830? A No sir.
- Q Did they ever receive or claim any land in the old Choctaw Nation under any other article of the treaty of 1830 than article fourteen, or under the supplement of the treaty of 1830? A No sir.
- Q In 1837 by Act of Congress approved March 3rd of that year, a Commission was appointed by Congress which Commission went to the State of Mississippi and heard Choctaw claimants who claimed benefits under article fourteen of the Treaty of Dancing Rabbit Creek and made a list of the names of successful claimants. In 1842 Congress appointed another Commission to go to the State of Mississippi and hear claimants under Article fourteen of the treaty of 1830 and they went there and made a list of the names of successful claimants under that article who appeared before it. The reason why these two Commissions were appointed, one in 1837 and

(5).

the other in 1842 was because a great many Indians who went to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830 and told him they wanted to stay in Mississippi and take land there, failed to get their names put upon Ward's Register. This was an act of negligence on the part of Colonel Ward, the United States Indian Agent and caused a great many Indians who did go to him within six months after the ratification of the treaty and told him that they wanted to stay in Mississippi and take land there to lose the lands which they afterwards selected, because the Government dispossessed them and took their lands and improvements, not knowing that they had been to Ward and made declarations of intention according to the provisions of Article fourteen. In order that these people might be protected in what they had done and what Ward refused to recognize, they had these Commissions appointed, one in 1837 and one in 1842. Now do you know whether any of your Choctaw ancestors went before either of these Commissions, that of 1837 or the Commission of 1842 and claimed benefits under Article fourteen of that treaty? A No sir.

Q You don't know? A No sir.

Q The Act of Congress approved August 23, 1842, provided that if any claimant came before it and proved his claim under Article Fourteen, if it further appeared that he had had his land taken from him by the Government that he should be entitled to select land either in Alabama, Mississippi, Louisiana, or Arkansas, to be taken from vacant Government land, and that a certificate or scrip should be issued to him to that effect. Did any of your Choctaw ancestors get any such scrip from the Government as Choctaw Indians? A I don't know.

Q Have you any documentary evidence you would like to present now in support of your claim? A Yes sir.

The petition of Henry C. Allen, presented by him received, filed, marked exhibit "A", and made a part of the records in this case.

Q Would you like time to file other testimony? A Yes sir.

Reasonable time will be allowed this applicant in which to present further documentary evidence in support of his application if he desires. Also proof of the marriage of his father and mother

Q Do you understand or speak the Choctaw language? A No sir.

Q The following persons have made application for identification as Mississippi Choctaws before this Commission and claim through William Allen as a common ancestor, the same common ancestor through whom you claim viz: Isaac B. Allen, your father? A Yes

(6).

- Q sir. Then the Spurlins, Joseph T. Spurlin, Dixon G. Spurlin, John A. Waldrop, Achilles A. Waldrop, Ernst Holloway, Mary E. McGurdy, Linna B. Dodson, Prudie E. Wooten, Sallis Watts, Eliza Holloway, Green A. Martin, Fannie R. Hall, Mary E. Franklin, Kate G. Watts, Clara P. Duke, Charlie Allen and John E. Allen. Are these all relatives of yours? A Yes sir.
- Q All claim through the same ancestor? A Yes sir.
- Q Your great-grandfather? A Yes sir.
- Q Do you want to have their cases considered with yours and the records examined in connection with your case that you may get the benefit of what they have testified to? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Sandy hair, light blue eyes, sandy mustaches, light complexion. He does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on October 24, 1901.

Subscribed and sworn to before me this 7 day of December, 1901.

Clara Mitchell Wood
Notary Public

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3827

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

OPY,

Muskogee, Indian Territory, December 6, 1902.

Henry C. Allen,

Sherman, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3790
Robert Holloway.	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3785
Isaac B. Allen, et. al.,	M	C	R	3844
Clara P. Duke, et. al.,	M	C	R	3825
John G. Allen, et. al.,	M	C	R	3826
Charlie A. Allen, et. al.,	M	C	R	3824
James T. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3827
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3808
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3847
Achille A. Waldrop,	M	C	R	3848
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3845
Dixon G. Spurlin,	M	C	R	3846

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zerah Martin, James A. Martin, Truba Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm Dink

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Henry C. Allen,

Sherman, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

No. 3827

For Identification as a Mississippi Choctaw.

Date

OCT 24 1901

Name

Henry C. Allen

Age

26

Blood

1/16

Post Office

Sherman, Tex.

Father:

Isaac B. Allen, l

Mother:

Mary J. " l

Claims through

father.

~~Children:~~

Claims for self
alone

Stenographer

Hal Belford

Choctaw MCR 3828

James T. Allen

See MCR 3772

MCR 3828

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, Indian Territory, October 24, 1901.

#3222.

In the matter of the application of James T. Allen for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

James T. Allen, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A James T. Allen.
Q James T.? A Yes sir.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Denison, Texas.
Q How long have you lived in Denison? A It's been my post office
for about five months.
Q Where did you live before that? A Sherman, Texas, has been my
post office all of my life.
Q How long have you lived in Sherman? A I was born and raised
there.
Q What is your father's name? A Isaac B. Allen.
Q He has made application here hasn't he? A Yes sir.
Q He is now living? A Yes sir.
Q What is your mother's name----Mary J.? A Mary J.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A I claim a sixteenth.
Q Have you the proof of your father and mother's marriage? A No
sir.
Q Think you can furnish it? A Yes sir.
Q Reasonable time will be allowed you in which to do so. Has your
father ever been recognized in any way or enrolled as a member of
the Choctaw Tribe of Indians by either the Choctaw Tribal Authori-
ties or the United States Authorities----do you know? A No sir.
Q Are you single? A Yes sir.

(2).

- Q You apply for yourself then alone, do you? (No answer)
- Q You claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever made application to the Choctaw Tribal Authorities for membership or enrollment in the Choctaw Nation? A No sir.
- Q Have you ever made application to the Commission to the Five Civilized Tribes for enrollment as a member of the Choctaw Tribe of Indians under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q You never tried to become a member of the Choctaw Tribe of Indians before now----before this time? A No sir.
- Q Whether making application to the Choctaw Tribal Authorities or the United States Authorities? A No.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming an interest in the Choctaw lands in the Indian Territory under Article XIV of the Treaty of 1830? A Yes sir.
- Q I will ask you the question that is asked these other claimants, if you understand Article XIV of the Treaty of 1830? A Not thoroughly.
- Q Pretty hard for you to understand? A Well, I consider that I understand it about as well as I could.
- Q How? A I guess I understand that.
- Q Well, you have heard it read and explained a number of times to-day have you? A Yes sir.
- Q The object of that treaty was to get all of the Choctaw Indians to go from the old Choctaw Nation in Mississippi and Alabama to this new Choctaw Nation here in the Indian Territory, and that is why the treaty was made between the Choctaw Indians and the United States Government. When it became apparent that a great many Choctaw Indians wouldn't leave the old Choctaw Nation for the new the Government realized that it would be necessary to put something into that treaty to protect the interests of those Indians that stayed back in the old Choctaw Nation, and so article XIV was drafted. Article XIV provided that they could stay back there if they desired, become citizens of the States if they wished, take land in Mississippi, in the old Choctaw Nation in Mississippi and Alabama, and live upon it for five years if they wished; at the end of that time they could have from the Government a deed to that land. And yet it also provided that if they wanted to do that instead of going to the new Choctaw Nation with the other Indians, they should be obliged to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that treaty and tell him that they wanted to do it. In other words it was like a foreigner who comes to this country and wants to become a citizen of the United States. He has got to go before the proper authorities and declare his intention of becoming a citizen of the United States, and at the end of a certain period he could become a citizen, take out papers and become naturalized. It was in fact an Act tending to naturalize the Choctaw Indian in Mississippi and Alabama to the end that he might become a citizen of the United States giving up his right to citizenship in the Choctaw Nation, but if he did all this any time after that he was privileged to go to the Choctaw Nation, Indian Territory, and become a citizen of that Nation, and share in the interest in lands

(3).

- with the other Choctaw Indians in the new Choctaw Nation. Now don't you think you understand that? A Yes sir.
- Q You understand it better than you did, I presume? A Yes.
- Q Do you think you understand it well enough to answer this question Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of Article XIV of the Treaty of 1830? A Not that I know of.
- Q You don't know that they did do that? A I don't know that they did.
- Q What is the name of your ancestor who lived in Mississippi or Alabama if you know, through whom you claim your Choctaw blood? A William Allen.
- Q He's the ancestor? A He's the man I claim my Choctaw blood through.
- Q What kin to you? A He was my great-grandfather.
- Q Do you know that he lived in Mississippi or Alabama? A I couldn't say where he lived.
- Q You couldn't say about that? A No sir.
- Q Did he have a Choctaw name? A Not that I know of.
- Q Did he speak the Choctaw language? A Not that I know of.
- Q Was he a recognized member of the Choctaw Tribe of Indians in Mississippi or Alabama? A Not that I know of.
- Q Was he the head of a family in Mississippi or Alabama in 1830? A I couldn't say, at that time.
- Q Do you know when and where he was born? A No sir.
- Q Or when and where he died? A No sir.
- Q Or where he lived during his live time in any place? A No sir.
- Q Do you know when and where his son Green Allen was born? A No sir.
- Q You claim through his son Green Allen, don't you? A Yes sir.
- Q Do you know when and where Green Allen died? A No sir.
- Q Or whether or not he lived in Mississippi or Alabama? A No sir.
- Q Do you know whether your father lived in Mississippi or Alabama? A No sir, I don't.
- Q Where was he born do you know, your father? A No sir.
- Q Could you tell the name or the names of the parents of William Allen, your great-grandfather? A No sir.
- Q How much Choctaw blood did you ever hear he had? A I have heard he had one-half.
- Q Don't you know whether he claimed his Choctaw blood through his father or mother? A No sir, I don't.
- Q How do you know that he had one half Choctaw blood? A Because I was taught that.
- Q In the family? A Yes sir.
- Q Family history and tradition is it? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I couldn't say, I don't know.
- Q Did any of your Choctaw ancestors go from the Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in the Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 tell the United States Indian Agent, Colonel Ward that they intended to live in Mississippi and take land there? A I couldn't say.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under Article XIV of the Treaty of 1830? A I don't know.
- Q Did they claim any land or any benefits whatever under any other

(4).

article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? A I don't know.

- Q In accordance with the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the United States Government required the United States Indian Agent who lived in Mississippi in 1830 to make a complete and full list of the names of all Choctaw Indians who came to him within six months from the ratification of the treaty of 1830, and made declarations of intention to remain in Mississippi and take land there and become citizens of the United States. This United States Indian Agent failed to record the names of the greater number of Choctaw Indians who came before him within the time limited in Article XIV of the Treaty of 1830. As a result of his negligence to make a complete list a great many Choctaws who had land in Mississippi had that land taken from them, and it was sold by the Government with the improvements upon it at Public Land Sales. This caused many complaints among the Indians so that in 1837 by an Act of Congress approved on March 3, of that year, a Commission was appointed. This Commission went to the State of Mississippi and heard claimants under Article XIV and made a complete list of the names of these claimants whose claims were approved. In 1842 another list was made out by a Commission appointed by Act of Congress approved August 23, 1842, and they made a list of the names of those who appeared before them and also a list of the names of those who were approved or were successful. Did any of your Choctaw ancestors go before either of those Commissions and claim benefits under Article XIV of that treaty do you know? A I don't know.
- Q The Act of Congress approved August 23, 1842, provided that if a Choctaw Indian proved his claim before it, where it appeared that his land had been previously taken from him that he should be entitled to select land wither in Mississippi, Louisiana Alabama or Arkansas to be taken from vacant Government land, and that he should receive a certificate to that effect. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government of the United States? A I couldn't say. I don't know.
- Q Have you any documentary evidence that you want to present now? A Why, this.

Sworn statement of James T. Allen, this applicant, presented by him, received, filed, marked exhibit "A" and made a part of the record in this case.

- Q Is this all you have to present now? A Yes sir.
- Q Do you want time in which to file other documentary evidence in this case? A Yes sir.
- Q A reasonable time will be allowed you in which to do so. Also to introduce any proper testimony in this case.
- Q Do you understand the Choctaw language or speak it? A No sir.
- Q Is there anything more you want to say about your claim? A Not at present.
- Q The following names persons have appeared before this Commission for identification claiming through William the same Common ancestor through whom you claim: Isaac B. Allen, Joseph T. Spurlin Dixon G. Spurlin, John A. Waldrop, Achilles A. Waldrop, East Helle-

(5).

way, Mary E. McCurdy, Liuna E. Redman, Prudie E. Weston, Nellie Watts, Eliza Holloway, Green A. Martin, Fannie E. Hall, Mary E. Franklin, Kate G. Watts, Clara P. Duke, Charlie Allen, John G. Allen and Henry G. Allen. They are all relatives of yours? A Yes sir.

Q They all claim through William Allen, do they not? A Yes sir.

Q These are relatives of yours? A Yes sir.

Q And claim through the same ancestor through whom you claim? A Yes sir.

Q Do you want the records and testimony in their cases considered with yours when yours is examined that you may get the benefit of what their cases show? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parents. He has rather light complexion, blue eyes, sandy hair, does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 7 day of December, 1901.

Clara Mitchell Wood

Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3028

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

James T. Allen,
Danison, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3790
Robert Holloway,	M	C	R	3768
Sallie Watts,	M	C	R	3770
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
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Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3782
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3644
Clara P. Duke, et. al.,	M	C	R	3625
John G. Allen, et. al.,	M	C	R	3620
Charlie A. Allen, et. al.,	M	C	R	3624
James F. Allen,	M	C	R	3628
Henry C. Allen,	M	C	R	3637
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3646
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3647
Achilles A. Waldrop,	M	C	R	3648
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3646
Dixon G. Spurlin,	M	C	R	3646

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zocal Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma L. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman

Registered.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES:

40503.
M.C.R. 3828

Muskogee, Indian Territory, March 24, 1903.

James T. Allen,
Denison, Texas.

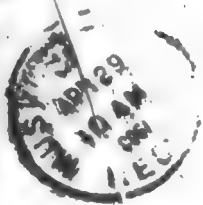
Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,



Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 30 1903

Chairman

3628

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

James T. Allen,
Denison, Texas.



REGISTERED
JAN 15 1903
MUSKOGEE, IND. TER.



ACTING CHAIRMAN

A handwritten signature in dark ink, appearing to be "J. H. Smith".

JAN 20 1903

W. L. H. D.

RECEIVED JAN 20 1903
U. S. DEPT. OF THE INTERIOR
BUREAU OF LANDS

RECEIVED
JAN 20 1903

[Signature]
ACTING CHAIRMAN



REGISTERED
JAN 15 1903
MUSKOGEE, IND. TER.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



James T. Allen

Perman

UNCL

9
2nd 11 1903

No. 3828

For Identification as a Mississippi Choctaw.

Date OCT 24 1901

Name James T. Allen.

Age 27 - Blood 1/16

Post Office, Kilmison, Texas

Father: Isaac B. Allen, Sr.

Mother: Mary J. " "

Claims through father

~~Children:~~

Claims for self
alone,

Neal & Gelford

Choctaw MCR 3829

Ella Rochelle

See MCR 3740

MCR 3829

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 24, 1901.

#3829.

In the matter of the application of Ella Rechelle for the identification of herself and her three minor children, Arlie S., Muriel, and James Rechelle, as Mississippi Choctaws.

Applicant not represented by Attorney.

Ella Rechelle, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Ella Rechelle---Mrs. Ella Rechelle.
Q How is the last name spelled? A R-e-c-h-e-l-l-e .
Q What is your age? A Twenty-seven.
Q What is your post office address? A Texarkana.
Q T-e-x-a-r-k-a-n-a ? A Texarkana, Texas, yes sir.
Q How long have you lived in Texarkana? A Well about twenty-four years.
Q And where were you born? A In Bowie County, just a little way from Texarkana.
Q In Texas? A Yes, you might say in Texarkana.
Q What is your father's name? A E. P. McMickle.
Q E. P.? A Yes sir.
Q E-i-c-h-e-l-l-e , is it? A M-c-M-i-c-k-l-e .
Q McMickle? A Yes sir.
Q He is living, isn't he? A Yes sir.
Q What is your mother's name? A E. L. McMickle.
Q She is present now, isn't she, here before the Commission? A Yes sir.
Q She has made application for identification before---identification as a Mississippi Choctaw? A Yes sir.
Q You claim through your mother, do you? A Yes sir.
Q How much Choctaw blood do you claim through your mother? A Well, I believe they said my great-grandmother was a fullblood. I think that's it.

(2).

- Q That would make you how much? A I really don't know. I never thought much about it.
- Q Your great-grandmother was fullblood? A Yes sir.
- Q Your grandmother would be half-blood wouldn't she? A Yes sir.
- Q Then your mother would be one-half of that wouldn't she, that is a quarter? A I would be an eighth.
- Q You claim an eighth? A Yes.
- Q When and where were your father and mother married? A In Scott County, in Mississippi.
- Q What date? A 1864, December, I believe it was about the 18th of December 18----1864.
- Q By a minister under a license? A Yes sir.
- Q You havn't their marriage license with you have you? A No sir, I have mine though.
- Q What is your husband's name? A Jim----J.F.Rochelle, James F. Rochelle.
- Q Is he an Indian? A No sir.
- Q White man? A Yes sir, he said he wouldn't claim Indian for all the Indian Territory.
- Q You make no claim for him then? A No, I don't suppose I could get any. He hasn't got any.
- Q Have you any children? A Three.
- Q What is the name of the eldest? A Arlie----Arlie S.
- Q O-l-l-i-e? A A-r-l-i-e, Arlie.
- Q S.? A Yes sir.
- Q Rochelle, is it? A Yes sir.
- Q How old is he? A Seven.
- Q That's a boy isn't it? A Yes sir.
- Q The next? A Muriel, W-u-r-i-e-l.
- Q Girl? A Yes sir. She's five.
- Q Next? A James. He's two years old.
- Q Is that all? A That's all.
- Q Is James F. Rochelle the father of these children? A Yes sir.
- Q You claim for yourself and children? A Yes sir.
- Q When and where were you married to your husband? A Texarkana, December 20, 1893.
- Q You have the license? A Yes, I have the license.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory, or the name of your son Arlie? A No sir.
- Q Or Muriel? A No sir.
- Q Did you ever make application to the Choctaw Tribal Authorities for citizenship in the Choctaw Nation for yourself and children? A No sir.
- Q Did you ever make application for citizenship or membership in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you ever made for yourself and children for membership in the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities? A It is.
- Q Do you now come before this Commission for the purpose of identifying yourself and children as Mississippi Choctaws under Article XIV of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Well, I never,

(3).

----no sir, I don't.

- Q Ever hear about it? A Only I heard papa and them speak about it is all.
- Q You don't understand it very well? A No sir.
- Q Do you know what a treaty is? A Yes sir.
- Q Do you know what an article in a treaty is? A Yes sir.
- Q Here is the treaty of 1830, called a Treaty of perpetual Friendship, cession and limits. This was made between the United States Government and the Choctaw Tribe of Indians, as it states here, entered into by John H. Eaton and John Coffee for and in behalf of the Government of the United States, and the Mingoes, Chiefs Captains and warriors of the Choctaw Nation, begun and held at Dancing Rabbit Creek, on the fifteenth day of September, in the year eighteen hundred and thirty. And then it is made up of articles from one up to twenty-two inclusive, and then it is made up also of a supplement containing four Articles and signed by the representatives of both the United States Government and the Choctaw Indians. Now you see that is a treaty. Article XIV of this treaty was the article that was passed for the especial benefit of these Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama, refusing to go to the new Choctaw Nation, Indian Territory. When it was discovered that a considerable number of Choctaw Indians wouldn't go to the new Choctaw Nation, then this article was drafted and put into the treaty, and the treaty afterwards became ratified. This treaty of 1830 was made between the Choctaw Indians and the United States Government for the purpose of the removal of all of the Choctaw Indians from Mississippi and Alabama to this new Choctaw Nation. Article XIV which was drafted for the especial benefit of those who stayed back there reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

(4).

- Q Do you understand that Article now? A Yes sir.
- Q Did any of your Choctaw ancestors comply with any of these provisions of this Article XIV of the Treaty of 1830? A No sir, not that I know of. I don't know that they did.
- Q What is the name of your ancestor through whom you claim the right to be identified? A Rachel Hailey. She married David Evans and mama's father was Henry Evans.
- Q How did Rachel Hailey live in Mississippi at any time of her life? A Yes she lived there.
- Q Did she live there in 1830? A Why, I really don't know. I think uncle Prentiss found out that she did when he went back.
- Q You claim through your mother? A Yes sir.
- Q She claimed through which parent----father or mother? A Father
- Q What was his name? A Henry Evans.
- Q And he claimed through which parent? A His mother.
- Q That is Rachel Hailey? A Yes sir.
- Q Or Rachel Evans? A Yes sir.
- Q His father's name was David Evans? A Yes sir.
- Q He was a white man? A Yes sir.
- Q And how much Choctaw blood do you think Rachel Hailey had? A She was fullblood I think.
- Q What evidence have you that she was a fullblood Choctaw? A Well I havn't any. Uncle Prentiss, I think he collected evidence didn't he mama, and he intends to send it in.
- Q Do you think you can introduce that testimony in your case? A Yes sir.
- Q You will have to prove your own case, you know? A Yes.
- Q That is, your case will have to contain in itself all evidence, both the oral evidence which you give and the documentary evidence which is filed here with it. Do you know whether any of y our Choctaw ancestors owned any improvements on land in Mississippi or Alabama in 1830? A No sir, I don't.
- Q Did any of your Choctaw ancestors go from Mississippi or A labama to the new Choctaw Nation Indian territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there and become citizens of the United States? A Not that I know of.
- Q Did any of your Choctaw ancestors ever own any land or claim any in Mississippi or Alabama from the Government under Article XIV of the Treaty of 1830? A No sir, not that I know of.
- Q Did they ever claim any land or any benefits under any other Article of the Treaty of 1830 than Article XIV, or under the supplement of that treaty? A I don't know.
- Q Do you know when and where Rachel Hailey was born? A No, I really don't.
- Q Do you know where she died? A She died in Mississippi I think, didn't she Mama.
- Q In Mississippi? A Rankin County.
- Q She died in Mississippi---when did she die in Mississippi? A I really don't know the date of her death.
- Q Didn't you ever hear? A No sir.
- Q Do you know how old she was when she died? A I really don't.
- Q Was she an old woman? A Yes she was----I don't know whether she was old or not.
- Q Then you have heard in the family that she lived in Mississippi because she died there? A Yes, I know she lived there, but I

(5).

- don't know how old she was.
- Q You don't know her father's name or her mother's name? A No.
- Q Nor how old she was when she died? A No.
- Q What was the name of her descendant through whom you claim your right to be identified here----her son or daughter, which was it? A Her name was Henry P. Evans, I think, wasn't it Mama?
- Q Henry P.? A Just Henry Evans, I think.
- Q That was her son? A Yes sir.
- Q And your mother's father? A Yes sir.
- Q Did he ever live in Mississippi do you know? A Yes sir.
- Q What? A Yes, he lived there.
- Q When was he born? A Well I declare I don't know. You know he was dead long before I was born, and I never heard her say just when. I guess I will have to find it out and send it.
- Q Well, you can have it put in the form of affidavits from these who know. Do you know when or where he died? A Rankin County, Mississippi.
- Q Mississippi? A Scott County, I reckon----I don't know which one it was.
- Q Was he living in Mississippi in 1830? A Yes sir, I guess he lived there always, I reckon.
- Q Well, was he living in 1830? A I really don't know when he died. I know he's been dead a long time.
- Q According to the provisions of Article XIV of the Treaty of 1830 the United States Indian Agent in Mississippi was instructed to make a list of the names of all the Choctaw Indians who came before him within six months from the ratification of the treaty of 1830 and told him that they wanted to live in Mississippi, take land there and become citizens of the States. This United States Indian Agent made a list called Ward's Register, but it contains only a few of the total number of applicants who came before him and made declarations under Article XIV of the Treaty of 1830. This Agent's neglect to make a complete list caused the land to be taken from a great many Indians who occupied land in Mississippi and Alabama; the Government took it and sold it, claiming that they had no right to occupy it. This lead to a great many complaints on the part of the Indians so that in 1837 Congress sent a Commission down into Mississippi and this Commission heard claimants under Article XIV of the Treaty of 1830. Some of these claimants proved their claims and became beneficiaries under Article XIV. In 1842 another Commission was appointed by Congress and this Commission went also to Mississippi and heard claimants under Article XIV and made a list of the names of all successful claimants. Do you know whether any of your ancestors appeared before either of these Commissions and claimed benefits under Article XIV of that Treaty? A No sir.
- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw claimant had proven his claim before it and if it also appeared that that claimant's land had been taken away from him by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that he should be given a certificate to that effect. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians to your knowledge? A No, I don't know.
- Q Have you any documentary evidence you want to present now? A No.
- Q No papers of any kind? A No. Well, you know I thought, and we all thought that what uncle Prentiss, Mama's brother, he collected the evidence and I just thought it would be for all.

(c).

- Q Each case will have to have its own. A Well, I didn't know that. But I know that Mama's father was living there in 1830. He didn't die until she was married, and she was married in 1864.
- Q What relatives of yours have come here before the Commission for identification? A Well, my uncle.
- Q What is his name? A Henry P. Evans.
- Q He has been here has he? A Yes sir, and mama.
- Q What is your mother's name? A Her name is E. L. McMickle.
- Q Several of your brothers and sisters? A Yes sir.
- Q Name all you can remember? A Well, Ab McMickle, and Jim McMickle and Susie Hooks, and then there was two or three that wasn't married. That's all that were married.
- Q These are all kin of yours? A Yes.
- Q And claim through Rachel Hailley? A Yes, sir.
- Q Do you want to have their testimony considered with yours that you may get the benefit of what they have sworn to? A Yes sir.
- Q Do you speak of understand the Choctaw language? A No sir.
- Q Is there anything more you would like to say in support of this claim? A No, I don't know of anything else. You might just leave it open.

Reasonable time will be allowed this applicant in which to file documentary or other evidence in support of her application.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium fair complexion, blue eyes, light brown hair. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830. Her mother who appears before the Commission with her at this time is dark, dark eyes, dark hair, and dark complexion.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 24, 1901, and that the above and foregoing as a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 7 day of December, 1901

Hal Belford
Chara Mitchell Wood
Notary Public.

COPY.

M.C.R. 3829.

Muskogee, Indian Territory, July 22, 1902.

Elia Rochelle,

Texarkana, Texas.

Dear Sir:

You are hereby advised that on the 22d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elvira L. McKickle, et al., embracing the following applications for identification as Mississippi Choctaws:

Elvira L. McKickle, et al.,	M.C.R. 3740
Ab McKickle, et al.,	" 3743
James R. McKickle, et al.,	" 3742
Susie Hooks,	" 3741
Henry F. Evans, et al.,	" 3739
Anna Hindoo, et al.,	" 3969
Elia Rochelle, et al.,	" 3829

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

2 R 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elvira L. McKickle, Nellie McKickle, May McKickle, Robert McKickle, Ethel McKickle, Ab McKickle, Thelma McKickle, Paul McKickle, James P. McKickle, Lydia McKickle, Susie Hooks, Henry D. Evans, Mary Maud Evans, William Harrison Evans, Henning L. Evans, Hugh B. Evans, Anna Lindsey, Hugh E. Lindsey, Olive E. Lindsey, Mae Lindsey, Myrtle Lindsey, Nellie Lindsey, Ruth Lindsey, Earnest Lindsey, Ella Rochelle, Arlie S. Rochelle, Muriel Rochelle and James Rochelle, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

COPY.

M.C.R. 2829.

Muskogee, Indian Territory, October 17, 1902.

Elia Rachelle,

Texas, Texas.

Dear Madam:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elvira L. McMickle, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

(SIGNED)

Samuel Birney
Acting Chairman.

M.C.R. 3829.

COPY

Muskogee, Indian Territory, November 14, 1906.

Ella Rochelle,

Texarkana, Arkansas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the petition filed with this office on April 22, 1906, by L. D. Horton, attorney at law, Durant, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Elvira L. McMickle, et al.

Respectfully,

SIGNED *Tams Bixby*,
Commissioner.

No. 3829

For Identification as a Mississippi Choctaw.

OCT 24 1901

Date
Name Ella Rochelle.

Age 27 Blood 1/8

Post Office, Texarkana, Texas

Father: ~~E. P. Mc Nichols~~
E. P. Mc "MICKLE,"

Mother: E. L. Mc MICKLE, I

Claim through mother
Husband Jas. F. Rochelle.
No claim for husband

Children:

Artie S. Rochelle, 7
Muriel Jane, 4
James, 2

Claims for self &
children.

Stenographer

Hal Buford

Choctaw MCR 3830

Mattie Weeks

See MCR 3821

MCR 3830

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 24, 1901.

#3830.

In the matter of the application of Mattie Weeks for the identification of herself and her four minor children, Allie, Lee, Waite, and Vida Weeks, as Mississippi Cheetaws.

Applicant not represented by Attorney.

Mattie Weeks, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Weeks.
Q What? A Weeks----Mat Weeks' wife.
Q Give your full name please? A Mattie Weeks.
Q How do you spell that last name? A W-e-e-k-s .
Q What is your age? A Twenty-five years.
Q What is your post office address? A Atoka.
Q How long have you lived in Atoka? A Twelve years.
Q Where were you born? A In Texas.
Q How long did you live in Texas before you came to Atoka? A Thirteen years.
Q Thirteen? A Yes sir.
Q What is your father's name? A Benjamin May.
Q What is the middle initial? A C.
Q Is he living? A Yes sir.
Q What is your mother's name? A Alice May.
Q Middle initial? A A.
Q She came here for identification to-day, did she not, October 24?
A Yes sir.
Q Through which parent do you claim Cheetaw blood? A My mother.
Q How much do you claim? A One-eighth.
Q When and where were your father and mother married? A In Mississippi.
Q Do you know what place in Mississippi? A Scott County----I forget. I am small----I was small and don't know anything about it.

(2).

- Q Do you know what date she and your father were married, in Scott County? A No. They've been married about thirty-four years.
- Q Have you the evidence of their marriage with you? Certified copies of the records or anything of that sort? A No sir.
- Q Are you married? A Yes sir.
- Q Has your mother ever been recognized in any way, or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I know of.
- Q What is your husband's name? A Mat Weeks.
- Q Mat? A His real name is Mathew.
- Q M-a-t-h-e-w? A Yes.
- Q Is he a white man? A Yes sir.
- Q Not an Indian? A No.
- Q You don't claim for your husband then---he is a white man you say? A Yes sir.
- Q You make no claim for him then do you? A No sir.
- Q Have you any children you want to make application for? A Four.
- Q What is the name of the oldest? A Allie.
- Q A-l-l-i-e? A Yes sir.
- Q Boy or girl? A Boy.
- Q Allie Weeks, is it? A Yes sir.
- Q How old is Allie? A Eight years old.
- Q The next? A Lee.
- Q L-e-e? A Yes sir.
- Q Boy? A Yes sir.
- Q How old is he? A Seven.
- Q Next? A Waite.
- Q How do you spell it? A W-a-i-t-e.
- Q That is a boy too, isn't it? A Yes sir.
- Q How old? A Four years.
- Q The next? A Vida.
- Q V-? A i-d-a.
- Q Girl? A Yes sir.
- Q How old is Vida? A Nineteen months.
- Q Is Mathew Weeks the father of these children? A Yes sir.
- Q You are the mother of them all, are you? A Yes sir.
- Q Was he ever married previous to his marriage to you? That is, was he married before you married him? A Yes sir.
- Q He was married previously? A Yes sir.
- Q But there are no children of his now? A No.
- Q And you don't make any application for any except his and your own? A That's all.
- Q When and where were you married to him? A Here in Atoka.
- Q What date? A Sixth day of August, 1892.
- Q You make application for yourself and these children do you? A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities for yourself and children? A No sir.
- Q Did you ever make application for enrollment as a citizen of the Choctaw Nation---as citizens of the Choctaw Nation, for yourself and children, to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? That is five years ago? A No sir.
- Q Never did? A No.

(3).

- Q Were you ever admitted with your children to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir, did not.
- Q Is this the first application of any kind that you ever made for citizenship for yourself and children, either to the Choctaw Tribal Authorities, or to the United States Authorities? A Yes sir.
- Q Do you now come before this Commission for the purpose of identifying yourself and children as Mississippi Choctaw Indians, claiming an interest in the lands in the Choctaw Nation, Indian Territory, under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q You never heard of it----ever hear of the Treaty of 1830? A No.
- Q Well, the Treaty of 1830----do you know what a treaty is? A You will have to explain it to me. I don't know.
- Q Do you know what an agreement in writing is? A contract or agreement in writing is? Two people make an agreement together, and write it out, sign their names to it. You have heard of that haven't you, where one agrees to work for another? A Yes.
- Q Well, a treaty is a compact in writing, made between two or more nations, instead of individuals. This is a copy of the original Treaty of Perpetual Friendship, Cession and Limits, entered into between John H. Eaton and John Coffee, for and in behalf of the United States, and the Mingoes, Chiefs, Captains and Warriors of the Choctaw Nation, begun and held at Dancing Rabbit Creek on the fifteenth day of September, eighteen hundred and thirty. This is a copy of the original Treaty that was made between the United States Government and the Choctaw Indians. Article XIV was put into this Treaty for the especial benefit of those Choctaw Indians who belonged to the old Choctaw Tribe in Mississippi and Alabama, and who wouldn't go to the new Choctaw Nation, Indian Territory, pursuant to the provisions of this Treaty of 1830 with the other Indians who came between 1833 and 1838. Before this treaty was signed it became evidenced that these Indians wouldn't go, and in order that they might have their rights and interests protected, Article XIV was put into the Treaty. That Treaty of 1830, sometimes called the Treaty of Dancing Rabbit Creek, was made between the United States Government and the Choctaw Tribe of Indians in Mississippi and Alabama, in order to get them all to remove as a Nation from the old Choctaw Nation east of the Mississippi River to this new Choctaw Nation here, west of the Mississippi River, in the Indian Territory. Now Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of

(4).

age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that don't you? A Yes. I couldn't repeat it like that, though.
- Q But you understand it all right? A Yes sir.
- Q Well, do you know whether any of your Choctaw ancestors----you knew what I mean by ancestor, don't you? That is an ancestor of yours there, your mother; and your father would be an ancestor, your grandmother, your grandfather, your great-grandmother, and so on. They would be ancestors. Now do you know if any of your Choctaw ancestors complied with any of the provisions of this Article XIV as read to you? Did they do any of these things that have been read----that I have explained in this Article? Do you know? A No, I don't know.
- Q You never heard they did? A No.
- Q What is the name of your Mississippi Choctaw ancestor through whom you claim your right to be identified? A Nancy Robinson.
- Q Nancy Robinson----how much Choctaw blood did she have? A I was taught by my mother she claimed to be fullblooded.
- Q Fullblood? A Yes sir.
- Q Did she talk the Choctaw language, do you know? A I don't know.
- Q Did she have a Choctaw Indian name? A I don't know.
- Q Do you speak the Choctaw language? A No.
- Q Well now, do you know whether she did----talk Choctaw? A No, I don't.
- Q How do you know that she was a half Choctaw, except what they told you? A I was taught by her all I know.
- Q All you knew about it? A Yes sir.
- Q Did she live in Mississippi at all, do you know----Nancy Robinson? Did you ever hear she lived in Mississippi? A No, I don't know anything about back there, but there's where I was taught she lived.
- Q Your mother taught you that? A Yes sir.
- Q Of course you don't know of your own personal knowledge except what you have been taught in the family. A Yes sir.
- Q It is a matter of family history and tradition though? A Yes sir.
- Q Now did she own any improvements on land in Mississippi or Alabama in 1830, or any time before that? I mean by that now, did she have any land in Mississippi or in Alabama upon which she had houses or barns or buildings of any kind, or fences? A I don't know.
- Q Did she or any of your Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation, Indian Territory, that is, this nation here, with the other Indians between 1832 and 1835? Did you ever hear? A I can't tell you that.
- Q You don't know? A No.
- Q Did any of your Choctaw ancestors within six months from the rat-

(5).

ification of the Treaty of 1830, signify to the United States Indian Agent of the Choctaw Indians in Mississippi, their intention to remain in Mississippi, take land there, and become citizens of the United States? A Did they?

Q Yes? A No.

Q You don't know about that? A No.

Q Did any of your Choctaw ancestors own any land in Mississippi or Alabama or claim any from the Government of the United States under Article XIV of that Treaty? How about that? A No, I don't know anything about her forefathers. I've been raised in the Nation right here among the Indians.

Q Did any of your Choctaw ancestors claim or receive any land or any benefits under any other Article of the Treaty of 1830 than Article XIV, which has been read to you, or under the supplement of that Treaty----do you know? A Not that I know of.

Q You claim through your mother, do you not? A Yes sir.

Q Alice A. May? A Yes sir.

Q And she claimed through which parent, her father or mother? A Her mother.

Q What was her mother's name? A Well, you have got me kind of--- Oh! yes. Slaughter.

Q What was the first name? A My mother's mother's given name? Yes, that's it? A Sallie.

Q How did she ever live in Mississippi or Alabama to your knowledge? (No answer)

Q Do you know whether she died in Mississippi? A No.

Q Do you know where she died? A No, I do not.

Q When she died? A No.

Q When and where she was born? A No sir.

Q What relation was she to you----Nancy Robinson----your grandmother or great-grandmother? A Great-grandmother.

Q Your grandmother, her daughter, do you know where she was born? A No sir.

Q I mean now, Slaughter----Sallie Slaughter. Now do you know where she was born, or when and where she died? A No sir.

Q Nor where she lived during her life? A No sir.

Q You can't tell much about the great-grandmother or grandmother then, can you? A No sir.

Q According to the provisions of Article XIV of the Treaty of 1830, the United States Indian Agent who lived in Mississippi at that time was directed by the Government to make a list of the names of all Choctaw Indians who claimed the right to remain in Mississippi and take land there and become citizens of the United States under Article XIV of the Treaty of 1830, and who came before him within six months after the ratification of the Treaty to make these declarations. Colonel Ward, who was the Indian Agent in Mississippi at that time, made a list of names called Ward's Register, but it contains the names of very very few of the names of all of the Indians who did go before him within six months after the ratification of the Treaty of 1830 and declare their intention to stay in Mississippi and take land there. On account of this neglect on his part a great many Indians who held land in Mississippi upon which they had improvements had both land and improvements taken from them by the Government and sold. This caused so many complaints among the Indians that in 1837 by an Act of Congress approved March 3, of that year, a Commission was appointed, which----like this Daves Commission; this is a Commission----and a Commission was appointed by Act of Congress in that year. This Commission went to the State of Mississippi and

(6).

heard a great many Choctaw Indians who claimed benefits under Article XIV just as you are doing now, and made a list of the names of all these whose claims were approved. In 1842 another Commission was appointed by Congress and that Commission went to Mississippi and heard claimants under Article XIV just as you are claiming now under Article XIV, only they were the original claimants; you see they were Indians who claimed that they had gone to Ward in person and made their declarations to remain: you come before the Commission now as a descendent of those people. Well this Commission of 1842 made a list of names of claimants whose claims were proven before that Commission. Now do you know if any of your Choctaw ancestors, your mother, grandfather, grandmother, great-grandfather, great-grandmother, went before either that Commission of 1837 or the Commission of 1842 and claimed benefits under Article XIV of the Treaty of 1830? A Not that I know of.

Q You never heard about that? A No.

Q The Act of Congress approved August 23, 1842, provided that if any claimant came before it and proved their claims if it also appeared that their land had been previously taken from them by the Government, that they should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be issued to them. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the United States Government as Choctaw Indians? A Not that I know of.

Q Have you any documentary evidence you want to present now in support of your claim? Any Papers----anything in writing? A No.

A reasonable time will be given to this applicant in which to file documentary evidence in support of this application which she makes for herself and these children. Also to prove the marriage of her father and mother.

Q Is there anything more that you want to say in support of your application that you can think of? A No.

Q You don't think of anything more you want to say? A No.

Q Do you speak the Choctaw language? A No sir.

Q Is Alice A. May your mother? A Yes sir.

Q She appeared this morning? A Yes sir.

Q What relation is Inez Reed to you? A Sister.

Q And Eugenia McNeal? A Sister.

Q They claim through the same ancestor, Nancy Robinson, do they? A Yes sir.

Q Do you want to have their testimony referred to any made a part of your own, when yours is examined, in order that you may get the benefit of what they have testified to? A Yes.

This applicant has the appearance and physical characteristics of being descended from parentage partly white and partly Indian? Dark eyes, dark complexion, and dark hair. She does not

(7)

understand the Cherokee language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 7 day of December, 1901.

Clara Mitchell Wood
Notary Public.

COPY.

Muskogee, Indian Territory, July 26, 1902.

Mattie Weeks,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice A. May, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Amelia May, et al.,	M C R 3821
Inez Reed, et al.,	" 3822
Eugenia McNeal, et al.,	" 3823
Mattie Weeks, et al.,	" 3830

These applications were made under the provisions of the act of Congress of June 22, 1898 (30 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Mattie Weeks-3

Alice Amelia May, David Adolphus May, Cary Augustus May, Theodore Edwin May, Mary Elizabeth May, Bertha Sileam May, Ines Reed, Willie Estelle Reed, Benjamin Arthur Reed, Pearl Reed, May Reed, Eugenia McNeal, Tommy Theo McNeal, Bula McNeal, Bula McNeal, Joseph McNeal, Mattie Weeks, Allie Weeks, Lee Weeks, Waite Weeks and Vida Weeks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. McNeal
Commissioner in Charge.

Registered.

M. C. R. 3830.

COPY.

Mustagee, Indian Territory, September 5, 1902.

Mattie Weeks,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alice Amelia May, et al., of which decision you were advised by registered mail on July 25, 1902.

Yours truly,

(SIGNED)

Tamm Dixby.

Acting Chairman.

No. 13830

For Identification as a Mississippi Choctaw.

OCT 24 1901

Name ^{Date} *Mattie Weeks.*

Age *25.* Blood *1/8*

Post Office, *Atoka, I. T.*

Father: *Ben C. May.*

Mother: *Alice A. "*

mother
Claims through *husband, Mathew Weeks.*
No claim for husband.

Children:

Allie (boy) 1 Week 8
Lee " " 7
Waite " " 4
Vida (girl) " 19 m.

Claims for self
and 4 children

Stenographer *Hal Buford*

Choctaw MCR 3831

Boyd Cannon

See MCR 4110

MCR 3831

Department of the Indian Territory.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 23, 1901.

#3821.

In the matter of the application of Boyd Cannon for
the identification of himself and his minor child, Ethel Cannon, as
Mississippi Choctaws.

Applicant not represented by attorney.

Boyd Cannon, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Boyd Cannon is my name.
Q O-a-n-n-o-n? A Yes sir, O-a-n-n-o-n.
Q B-o-y-d? A Yes sir.
Q What is your age, Mr. Cannon? A Thirty-five.
Q What is your post office address? A Mead.
Q What? A Mead, M-e-a-d.
Q Indian Territory? A Yes sir.
Q How long have you lived at Mead? A About four years.
Q Where did you live before you lived there? A Well, I lived right
around there for the last fourteen years.
Q Where were you born? A Born in Texas.
Q What place? A Shelby County.
Q And you lived in Texas how long? A I was borned and raised
there.
Q Came from there to the Territory? A I come from there to the
Territory.
Q When? A I first come to the Territory in '84, stayed awhile and
went back to Texas; stayed there about two year or a little more
and came back to the Territory and been here ever since.
Q What is your father's name? A Cannon.
Q Full name? A Dave Cannon.
Q Is he living? A No sir, he's dead.
Q Is your mother living or dead? A She's living.
Q What is her name? A Harriet Cannon.

(2).

- Q Through which parent do you claim Choctaw blood? A Mother.
- Q How much do you claim? A Well, I don't know now, about that. They're a little bit doubtful on that yet. She claims that her mother was always known to her as a fullblood, but her and her mother got separated when she was a little thing. She was stolen from her mother, her and her brother.
- Q By whom? A By white people at the time of the emigration from Mississippi, and they was raised up by them and they never knew just exactly what portion they was. She looks like a fullblood.
- Q Who, your mother? A Yes sir.
- Q You don't really know how much blood? A No sir, I don't.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I know of.
- Q When and where were your father and mother married? A In Texas, I suppose.
- Q You don't know? A No sir, I don't know.
- Q Do you know when they were married? A No sir.
- Q Or by whom---minister or official? A No sir.
- Q Do you think you can get proof of their marriage? A Why, I don't know sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Lottie Cannon.
- Q L-o-t-t-i-e ? A Yes sir.
- Q Is she a white woman? A No sir, she claims part Indian.
- Q Do you make any claim for her as a Choctaw? A No sir, I don't make no claim for her. She may make a claim, but I am after mine now.
- Q You don't care to claim for her, then? A No sir, I wouldn't take up her claim. Her people was kind of lost, and that's been the trouble with us all the time.
- Q Have you any children? A One.
- Q What is that child's name? A Ethel.
- Q E-t-h-e-l ? A Yes sir.
- Q Cannon? A Yes sir.
- Q How old is Ethel? A Three year old.
- Q When and where were you married to your wife Harriet? A At Colbert, or near Colbert.
- Q Indian territory? A Yes sir.
- Q What year? Day of the month and year? A Why it was in '95, I believe on the 4 day of February I believe, as well as I can recollect.
- Q Were you married by a minister under a license? A Yes sir.
- Q Have you the license and certificate with you? A No sir, not with me.
- Q Do you think you can get proof of the marriage of yourself and wife? A Yes sir.
- Q You claim for yourself and this child, do you? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir, I never did make no application before.
- Q You never have been admitted to citizenship in the Choctaw Nation have you by either the Choctaw Tribal Authorities or the United

(3).

- States Authorities? A No sir.
- Q Or the United States Court? A No sir.
- Q You never have appeared before the Dawes Commission for citizenship before? A No sir.
- Q This is the first application to any authority you ever made? A Yes sir, I started to make application a couple of year ago.
- Q But you didn't go on with it? A No sir, I just didn't think that I had sufficient evidence. I knowed my appearance was all right and was satisfied I deserved it.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw, claiming for yourself and child under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Why, I don't know that I do.
- Q Did you ever read it or hear it read? A 1830----It seems that I have, but I am not positive that I have. I had the treaties from about 1830 on up, but I don't remember it just now.
- Q The Treaty of 1830 was made between the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama, and the United States Government. It was made September 27, 1830, and ratified February 24, 1831. The object of the treaty was to effect the removal of all the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory. Before it was signed it became known that a great many Indians wouldn't go to the Indian Territory, and so in order to protect their interests Article XIV was put into the Treaty? Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article do you? A Yes sir, I think I do.

(4).

- Q Now, as it has been read and explained to you, and as you understand it, do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified? A Well now, that's where the trouble is. As I claim, that my mother was stolen before she was big enough to remember anything but the first part of her mother's name. She remembers that and remembers a certain town in Mississippi where they come from, but we have yet been unable to find out our ancestors, though we are beginning to work at that now.
- Q Well, you are not in very good shape then to make application are you, if you don't know who your ancestors are. That is the first requisite is to know that you are descended from Choctaw ancestors and if you don't know who your ancestors were your claim is very indefinite. Now what was the name or part of the name that you claim through? A Well, she just remembered her first name.
- Q What was it? A Ziltha.
- Q What is it? A Ziltha.
- Q How do you spell that? A I reckon Z-i-l-t-h-a.
- Q Well now, how much Choctaw blood did Ziltha have? A She was said to be a full blood by those that remember her.
- Q Who have you ever heard say that she was a fullblood? A Why, there's an old man who lives down near where I do that says he knowed her when she come from Mississippi.
- Q Who is that man? A Scott Horton.
- Q Why don't you bring him here to testify? A Well, I had just heard so much talk about it, and had very little evidence, and ain't doing any good without evidence.
- Q Well, there's no use you waisting your time in just bumming around this way. You come here to try and prove your claim. If you have got witnesses that knew her, knew about her existence and knew that she was a fullblood or half blood, and knew whether or not she spoke the Choctaw language, bring your witnesses here and prove your case if you can. A Well this man says he knowed that she did speak the Choctaw language for he talked with her.
- Q Where did this man know her? A Knowed her in San Augustine, Texas.
- Q Did he know or do you know whether she ever lived in the State of Mississippi or Alabama? A I don't know no more than what my mother says.
- Q Just answer my questions and we will get along better. Now what does your mother say about her having lived in Mississippi or Alabama? A Why, she just says that when she come from there she was very little.
- Q Come from where? A Come from Mississippi.
- Q I asked you if she lived in Mississippi. Did she tell you she lived in Mississippi? A Yes sir, to the best of her judgment.
- Q Now go on and say what you were going to. A She says that she was very small when she come from Mississippi. That's there's very little she could recollect.
- Q When did she come from Mississippi----I mean now your mother? A somewhere between fifty-five and sixty years ago.
- Q Did she leave Ziltha there? A No sir.
- Q Did she come from Mississippi? A Yes sir.
- Q And was Ziltha your grandmother? A Yes sir.
- Q Do you know anything about Ziltha's father and mother? A No sir, I don't.
- Q Well, do you know, or have you reason to believe that Ziltha lived

(5).

- in Mississippi in 1830? That is, seventy-one years ago? A Yes sir, according to that she was in Mississippi at that time.
- Q Did she own any improvements on land in Mississippi at that time? A I am not able to say.
- Q Did she have any land in Mississippi that she received from the Government under Article XIV if you know? A Not that I know of. I have got no evidence but my mother's on that, and she was too small to remember.
- Q Did she claim or receive any land in Mississippi or Alabama, or any benefits whatever under any other Article of the Treaty of 1830 than Article XIV, or under the supplement of that treaty? A Not that I know of.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to live in Mississippi and take land there, and become citizens of the United States? A Not that I know of.
- Q Did she or any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1836? A Why, I don't know whether I am able to answer that question or not. I don't know.
- Q Well, you can answer it in this way. You have testified before that your mother and her mother Ziltha went from Mississippi to Texas? A Yes sir.
- Q Well then, they didn't go to the Choctaw Nation Indian Territory if they went to Texas, did they? A No sir, They didn't. I don't know wheter my grandmother did or not. She may be here in this country.
- Q Who, Ziltha? A Yes sir.
- Q Well, you think she was with your mother and she went from Mississippi to Texas when your mother did. At that time she was seven years old so you say? A No not at that time.
- Q She wasn't seven years old? A No sir, she was a little child.
- Q Is your mother living now? A Yes sir.
- Q What is her age? A I don't know her age exactly. She is supposed to be somewhere between sixty-five and seventy.
- Q And how old would your grandmother have been when she come from Mississippi to Texas, if your mother was a little girl? A I don't know sir.
- Q Well, would she be twenty years old do you think? A Well, she could have been; could have been older and may be not quite as old.
- Q And you don't know whether she's living or dead? A No sir.
- Q Don't know where she went? A It is supposed that she was en route to the Territory.
- Q Now then when was your mother stolen from her mother? A It's been somewhere right about sixty years.
- Q Was she stolen from her in Texas? A Yes sir.
- Q How long had they been in Texas before she was stolen from her mother? A Why not very long. I don't remember but it was but a short while. That is from what I learn. They would stop and camp along.
- Q Do you know who stole your mother? A No sir, I don't.
- Q Were they white people? A Yes sir, they was white people.
- Q Do you know how old your mother was when she was taken from her mother? A I only know just what she says.
- Q What did she say then. Tell me what she says? A Why, she says that she must have been something like from five to seven years old, somewhere along there, the best she can recollect about that.
- Q Was she the only child taken at that time? A No sir, there was one more, her brother.
- Q What was his name? A Mack.
- Q Do you know where he is? A No sir.

(6).

- Q Do you know where he is? A No sir. After he got grown why he left and went off and she ain't never seen him since.
- Q Where is your mother living now? A She lived in Shelby County, Texas.
- Q How does she look. I mean does she look like a white woman or an Indian? A Well, she looks----you couldn't tell her hardly from no other fullblood Indian.
- Q Straight black hair? A Yes sir.
- Q Does she speak the Choctaw language? A No sir.
- Q Did you ever hear that she had an Indian name? A That she had an Indian name?
- Q Indian name, yes. A Why no sir, I never heard it. Never did hear her Indian name. If I had known that I would have known what it was I guess. That's the hardest thing I have been hunting any way.
- Q According to the provisions of Article XIV of the treaty of 1830 the United States Indian Agent was required by the Government to make a list of the names of all Mississippi Choctaw Indians who went to Colonel Ward within six months after the ratification of the Treaty of 1830, and told him that they intended to stay in Mississippi and take land there. The United States Indian Agent failed to make a list of the names of all Choctaw Indians who came before him within the time limited in Article XIV of that Treaty of 1830, and the result of his neglect in not making a full and complete list of those claimants resulted in a great many Choctaw Indians who held land in Mississippi and Alabama losing their land and the improvements upon it. This land and the improvements upon it were sold by the Government at its public land sales. This caused many complaints among the Indians, so that in 1837 a Commission was appointed by Act of Congress approved March 3, of that year, and this Commission went to the State of Mississippi and heard claimants under Article XIV of the Treaty of Dancing Rabbit Creek, and a list was made of the names of those who had proven their claims before it. In 1842 Congress appointed another Commission for the same purpose, and this Commission went to the State of Mississippi and heard claimants under Article XIV and made a list of successful claimants. Do you know if any of your Choctaw ancestors, your mother or your grandmother, or any of your Choctaw Ancestors went before either of those two Commissions that of 1837 or the Commission of 1842 and tried to establish their rights under Article XIV? A No sir, I don't know that they did.
- Q You never heard anything about that? A No sir, never heard anything of it.
- Q The Act of Congress approved August 23, 1842 provided that if a Claimant proved his claim before this Commission under Article XIV of the Treaty of Dancing Rabbit Creek, if it also appeared that his land had been previously taken from him that he should be entitled to select land either in Alabama, Mississippi, Louisiana, or Arkansas to be taken from vacant Government land, and that a certificate, or as it was called scrip, should be issued to him to that effect. Do you know whether any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians?
- Q Not that I know of.
- Q Have you any documentary evidence, any affidavits, any proper evidence of any other kind that you want to present now to the Commission? A No sir, I haven't at present.
- Q Have you any witnesses before the Commission now that you desire to call? A No sir, I haven't got any witnesses with me. My ob-

(7).

ject for coming now as I did, I heard that the Commission was going to stop and I just wanted to get my application in and get my evidence afterwards.

Reasonable time will be allowed this applicant in which to file documentary or present any other proper evidence in support of this application which he makes for identification as a Mississippi Choctaw. Also to offer if he desires evidence of the marriage of his father and mother.

- Q Do you speak the Choctaw language? A No sir.
Q Is there anything more you want to say now in support of your application? A No sir, I don't know that there are.
Q Have any of your relatives ever appeared here for identification? A Not that I know of.
Q You are the first are you? A I am the first that I know of.

This applicant has the appearance and general physical characteristics of being descended partly from white and partly from Indian ancestors. He does not know the quantity of Choctaw blood which he claims to have, and gives as a reason that his mother was stolen from her mother when she was a child. In the opinion of the Commission he has undoubtedly Indian blood. He claims it is Choctaw. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 7 day of December, 1901

Hal Belford

Clara Mitchell
Notary Public

Muskogee, Indian Territory, October 14, 1902.

Boyd Cannon,

Head, Indian Territory.

Dear Sir:-

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mack Etheridge, et al., embracing the following applications for identification as Mississippi Choctaws:

Mack Etheridge, et al.,	M.C.R. 4110
James Etheridge,	M.C.R. 4111
Frank Cannon, et al.,	M.C.R. 4109
Boyd Cannon, et al.,	M.C.R. 3831

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats. 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mack Etheridge, Fannie Etheridge, Venevella Etheridge, Nina Etheridge, Lennie Etheridge, Earl Etheridge, Eva Etheridge,

Royd Cannon-----2

Rants Etherridge, Joel Etherridge, James Etherridge, Frank Cannon, Hamie Cannon, Jimmie Cannon, Jodie Cannon, Royd Cannon and Ethel Cannon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge

Registered.

Muskogee, Indian Territory, December 10, 1902.

Boyd Cannon,

Mead, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chectaws of the several persons included in the consolidated case of Mack Etheridge, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Tom Sisk
Acting Chairman.

No. 3831

For Identification as a Mississippi Choctaw.

Date OCT 25 1901

Name Boyd Cannon

Age 35 Blood don't know.

Post Office, Mead. I. T.

Father, Dave Cannon, d

Mother, Harriet, l

Claims through mother — —
wife Lottie " ~~W~~

No claim for wife —

Children:

Ethel Cannon, 3,

Claims for self &
Ethel —

Synagogue Neal Belford

Choctaw MCR 3832

Joe Harris

See MCR 2257

MCR 3832

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Atoka, Indian Territory, October 25, 1901.

#3432.

In the matter of the application of Joe Harrison for the identification of himself and his minor child, Maggie D. Harrison as Mississippi Choctaws.

Applicant not represented by attorney.

Joe Harrison, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Joe Harrison.
Q You live at Sterrett? A I live about two miles.
Q That is your post office, isn't it? A Yes sir.
Q What is your age? A About thirty-seven.
Q Thirty-seven? A Yes sir.
Q What is your post office address? A Sterrett.
Q How long have you lived in Sterrett? A I have lived at Double Springs.
Q Well, I mean how long have you lived around there having that post office? A Twenty-one years.
Q Twenty-one years---then where did you live before that? A Before?
Q Before that time? A Texas.
Q Texas? A Yes sir.
Q Were you born in Texas? A Yes sir.
Q At what place in Texas were you born? A Grimes County.
Q Did you live in Texas until you came to the Indian Territory? A Yes sir.
Q What is your father's name? A Slean Harrison.
Q Sometimes called Henry? A Nickname.
Q Nickname? A Yes sir.
Q Has he made application before this Commission for identification as a Mississippi Choctaw? A Yes sir.
Q What---do you remember? A Why, May, along about the 24th.

(2).

- Q About the 24th of May? A Yes sir, somewhere along there.
- Q Here at Atoka? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Mahala.
- Q M-a-h-a-l-a? A Yes sir.
- Q Through which of these two parents do you claim your Choctaw blood----father or mother? A My father.
- Q How much Choctaw blood do you claim? A Quarter.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? That is, has he ever been put down here as a Choctaw Indian by the Choctaw Indians themselves? A I don't know sir.
- Q When and where were your father and mother married? A In Texas.
- Q Was he married under his nickname Henry Harrison, at that time? A Yes sir.
- Q Do you remember the date? A No sir, I don't remember the date.
- Q This marriage certificate shows that he was married on the 27th day of November, 1870. Do you remember that date now? A Yes sir.
- Q Is that right? A Yes sir.
- Q This is the marriage certificate of Henry Harrison and Miss M. A. Harrison. Is that right? A Yes sir.
- Q Have you this marriage certificate or a certified copy of it to file in your case? You havn't have you? A No sir.
- Q You are advised that you should get a certified copy of this to file in your case. Are you married? A Yes sir.
- Q What is your wife's name? A Beuler.
- Q How do you spell it? A B-e-u-l-e-r.
- Q No, that isn't the way. B-e-u-l-a-h, is that right? A Yes sir.
- Q What is her blood? Has she any Indian blood? A Well, as soon as I can see her uncle about it---her father's a half-breed.
- Q Do you make any claim for her? A No sir.
- Q No claim for her? A No sir.
- Q What is her other blood? A Negro.
- Q She's Negro is she? A Yes sir.
- Q Has she any white blood? A No sir.
- Q You claim through your father one-fourth Choctaw? A Yes sir.
- Q What is your other blood? Have you any white blood? A No sir.
- Q Is's Negro, is it? A Yes sir.
- Q Indian and Negro? A Yes sir.
- Q Were either of your parents slaves before the war? A No sir.
- Q Have you any children you want to make application for? A One.
- Q One child---what is that child's name? A Maggie Dell Harrison.
- Q Maggie Dell? A Yes sir.
- Q D.? A Yes sir.
- Q How old is that child? A It's a year old the 29th day of this month.
- Q One year? A Yes sir.
- Q Is Beulah the mother of this child? A Yes sir.
- Q You the father? A Yes sir.
- Q You claim for yourself and this child, do you? A Yes sir.
- Q When and where were you married to your wife, Beulah? A At Colbert Station.
- Q Indian Territory? A I. T., yes sir.
- Q When? A 1900, January 28th.
- Q Have you your marriage license and certificate with you? A No sir, I havn't.
- Q Can you get it? A Yes sir.

(3).

Reasonable time will be allowed you in which to get proof of the marriage of your father and mother. Also proof of your marriage to your wife.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? That is, five years ago. Did you make application? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? Never have you? A No sir.
- Q Is the first application you have ever made for citizenship in the Choctaw Nation, to either the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before this Commission for the purpose of identifying yourself and this child as Mississippi Choctaws under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand Article XIV of that Treaty----know what it says ----what it means? A Not exactly, no sir.
- Q You know what a treaty is, do you? A A treaty?
- Q A treaty is a compact in writing made between two or more Nations. You know what an agreement in writing is or a contract, don't you, in writing? A Yes sir.
- Q And perhaps you have made them? A Yes sir.
- Q Where you sign your name and the other party signs his name. Then you do whatever you agree to do and he does whatever he agrees to do. A Yes sir.
- Q Well, that is called a contract or agreement in writing made between two or more persons. A treaty is a contract or agreement signed by the representatives of two or more governments instead of two or more people. You understand that Governments have to make agreements between each other, just the same as people have to make agreements between each other. Well, such a treaty as that----it is called treaty because made between governments instead of people or individuals. Such a treaty as that was made between the Choctaw Indians in the year 1830, that is seventy-one years ago, and the United States Government. That treaty was sometimes called----is sometimes called the Treaty of Dancing Rabbit Creek, because it was made at a place called Dancing Rabbit Creek in the state of Mississippi. The object of that treaty was to get all of the Choctaw Indians who lived in that old Choctaw Nation in Mississippi and Alabama to leave the old Choctaw Nation and go to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that quite a good many Indians would refuse to go with the other Indians to the new Choctaw Nation in the Indian Territory----this nation here. In order that their rights might be protected some provision had to be made for them in that treaty, and that is contained in the article of the treaty----an article is a part of the treaty: this is the treaty of 1830. Their rights were protected under an article in that treaty called Article XIV. Treaties are made up of Articles from I, II, III, IV, to as many articles as there are in the Treaty.

(4).

Article XIV of the Treaty of 1830 , reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now do you understand that article? A I understand some of it, yes sir.
- Q As you understand it after having heard it read and explained do you know whether any of your Choctaw ancestors complied with any of its provisions? A Why, I don't know.
- Q How? A I don't know.
- Q What is the name of your ancestor who lived in Mississippi through whom you claim your Choctaw blood? A You mean my father's father?
- Q Yes, whoever you claim through. I don't know who that is? A Why W. J. Sloan Harrison.
- Q W. J. Sloan Harrison? A Yes sir.
- Q Is that the full name? A Yes sir.
- Q How do you want to give it now? A W. J. Sloan.
- Q Well, isn't his name Harrison? A Harrison, yes sir, I give it as I have always been taught.
- Q What is the W. J. for? A Well sir, you have got me. W. J. Sloan Harrison is what I have been taught through my parents.
- Q What kin was he to you? A Grandfather.
- Q Your father's father? A Yes sir.
- Q How much Choctaw blood did he have? A Fullblood.
- Q Fullblood was he? A Yes sir.
- Q No Negro blood in him? A No sir.
- Q Did he speak the Choctaw language? A He did I understand.
- Q How do you know he did? A I understand that he did.
- Q Well, I know you understand so, but who told you so? A I have heard my grandmother say so.
- Q Your grandmother? A Yes sir.
- Q His wife? A Yes sir.

(5).

- Q What was her name? A Lydia.
- Q Lydia? A Yes sir.
- Q Did you personally know him? A No sir.
- Q What was the color of his hair? A I have heard Grandma say black
- Q Was it straight or curly? A Straight.
- Q Did she say so? A Yes sir.
- Q Did he live in Mississippi? A Yes sir.
- Q What year do you know----or years? When did he live there? A I don't know sir.
- Q Was he born in Mississippi? A I couldn't say that. I don't know sir.
- Q Did he die in Mississippi? A Yes sir.
- Q When did he die there, do you know? A Somewhere about fifty years ago, as near as I can understand.
- Q He died fifty years ago---how old was he when he died? A I don't know sir.
- Q Well, do you know whether he was a middle aged man or an old man? A No sir, I don't know.
- Q Never heard? A No sir. If I have I don't remember.
- Q Was your father born in Mississippi? A Yes sir.
- Q How old is your father now? A He is----father's between sixty-five and seventy.
- Q He was born then sometime, in Mississippi, in 1830, was he? 1830 would be seventy-one years ago and he is not seventy now? A Yes sir.
- Q Therefore he was born sometime after 1830 in Mississippi wasn't he? A Yes sir.
- Q Do you know where in Mississippi he was born? A Why, in a place called Greensboro, Alabama.
- Q I asked you if he was born in Mississippi and you said yes? A Yes sir, Mississippi.
- Q Well, you said Alabama now? A Well, Greensboro, Alabama Mississippi, is the way I understand it.
- Q Held on, now. You say Greensboro, Mississippi Alabama. Don't you know Alabama is one State and Mississippi is another. He can't be born in two states at once? A Well, I don't know only just what I heard grandma talking about.
- Q Well, did you hear your grandmother say he was born in Greensboro Alabama Mississippi? That's what you say. I want you to straighten that out now. A He was born in Mississippi I heard Grandma say.
- Q Well, how about Alabama? You don't mean Alabama do you? A Well I wouldn't be positive either. I have got myself mixed up on grandpa.
- Q Do you know whether he was born in Mississippi or Alabama? A My father was born in Mississippi.
- Q Then when you said Alabama you didn't mean that? A I guess I got kind of mixed up on my grandfather.
- Q Well, was your grandfather born in Alabama? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A If you don't know just say you don't know. A Yes sir, through my grandfather.
- Q Your grandfather owned improvements on land in Mississippi in 1830? A Yes sir.
- Q But I thought you said a little while ago that you didn't know he ever lived in Mississippi? A Yes sir.
- Q He did live in Mississippi? A Yes, I was going to explain to you about Greensboro.
- Q All right. Go on. A He owned a little store.

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- Q Is that in Mississippi? A I ain't gein' to say. I don't know sir.
- Q Well? A I don't know sir.
- Q Very well, you don't know now. The question was this: did your grandfather or any of your ancestors, own any improvements on land in Mississippi or Alabama. Now was this little store in Mississippi or Alabama or don't you know? A Greensboro is where I understand it was. He owned a little store at Greensboro.
- Q Greensboro what state? A I don't know sir.
- Q Did any of your Mississippi Choctaw ancestors go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they intended to stay in Mississippi and take land there? A I don't know sir.
- Q Did any of them go from Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know sir.
- Q Did any of them own any land in Mississippi or Alabama or claim any under Article XIV of the treaty of 1830, do you know? A My grandfather is what I learn through my grandmother.
- Q What? A My grandfather.
- Q Your grandfather what? A W. J. Slean Harrison.
- Q What did he do? A Sir.
- Q What did he do anyway? I asked you if your grandfather or any of your ancestors owned or claimed any land from the Government of the United States under Article XIV of the Treaty of 1830 either in Mississippi or Alabama? A Yes sir, my grandfather owned land.
- Q Your grandfather owned land? A Yes sir.
- Q Where? A Mississippi.
- Q Where was it located in Mississippi? A Well, this location as far as I can understand it is at Greensboro.
- Q How did he get that land from the Government as a Choctaw Indian? A I understand that he did, yes sir.
- Q How do you understand that he did? Who told you so? A Grandma.
- Q Your grandmother said he got it from the Government as a Choctaw Indian? A Yes sir.
- Q What became of that land? A I don't know sir.
- Q Did you ever see a deed of it or a patent of it? A Not that I know of.
- Q You say he owned a store there in Greensboro? A Yes sir.
- Q What kind of a store? A I don't know sir.
- Q Have you any other proof that your grandfather, W. J. Slean Harrison lived in Mississippi in 1830 and received land from the Government except what you have heard in the family? A No sir.
- Q Do you know whether he, or any other of your Choctaw ancestors received or claimed any land or benefits under any other Article of the Treaty of 1830 than Article XIV or under the Supplement of that Treaty? A No sir.
- Q According to the provisions of Article XIV of the Treaty of 1830 the United States Indian Agent was required by the Government to make a list of the names of all Choctaw claimants who came before him within six months from the ratification of the treaty of 1830 and told him that they wanted to take land in Mississippi and live upon that land for five years, and become citizens of the States. This Agent failed to make a complete list of the names of all of the Choctaw Indians who came before him and made these declarations within the time stated in Article XIV and as a result of his failure to so record the names of all Indians claiming rights under Article XIV a great many Choctaw Indians who held land in

(7).

Mississippi and Alabama in the old Choctaw Nation, had both the land and the improvements upon it taken away from them. This caused a great many complaints among the Indians so that in 1837 Congress appointed a Commission which Commission went to Mississippi and heard claimants under that article of that treaty and in 1842 another Commission was appointed by Congress for a similar purpose, and they went to Mississippi and heard claimants under Article XIV of that Treaty. Both of these Commissions made lists of the names of successful Choctaw claimants. Do you know if any of your ancestors appeared before either of these two Commissions and claimed benefits under Article XIV of the Treaty of 1830? A No sir.

- Q The Act of Congress approved August 23, 1842 provided that if any claimant should go before it and prove his claim as a Choctaw Indian to benefits under Article XIV of the Treaty of Dancing Rabbit Creek, if it should appear also that he had had his land taken from him by the Government that he should be entitled to select land either in Alabama, Mississippi, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate should be issued to him to that effect. These certificates were called scrip, and were issued by the Government under that Act of Congress. Do you know if any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No sir.
- Q Have you any documentary evidence that you want to introduce now in support of your claim. Any papers of any kind? A No sir.
- Q Do you want time in which to present such evidence? A Yes sir.

Reasonable time will be allowed this applicant in which to present documentary or other proper evidence in support of this application which he makes for himself and this child.

- Q Do you speak or understand the Choctaw language? A Why no, not to amount to anything.
- Q What's that? A Not to amount to anything.
- Q Is there anything more you want to say in support of your claim? A No sir, I guess not.
- Q Your father Slean Harrison has been here before the Commission? A Yes sir.
- Q His nickname was Henry? A Yes sir.
- Q Do you want to have his testimony considered with yours in order that you may get the benefit of what he has testified to? A Yes sir.
- Q You say you have no white blood? A No sir.

This applicant has the appearance and physical characteristics of being descended in part from Negro parentage. There is evidently a mixture of blood in his ancestry. He claims it to be Negro and Indian and that he has no white blood. The Commission is unable to determine whether it is Negro and White or Negro and Indian. He does not understand the Choctaw language and has

(8).

no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford
Subscribed and sworn to before me this 7 day of November, 1901.

Chas Mitchell Wood
Notary Public.

COPY.

M C R 3832

Muskogee, Indian Territory, July 22, 1902.

Joe Harrison,

Starrett, Indian Territory.

Dear Sir:

You are hereby advised that on the 22nd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Sloan Harrison, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Sloan Harrison, et al.,	M C R	2257
Joe Harrison, et al.,	"	3832
Lydia Williams, et al.,	"	3833
Annie Roth, et al.,	"	3834
Louisa Hatcher, et al.,	"	3835
Slone Harrison, et al.,	"	4112
Ellie Hatcher, et al.,	"	4137
John Harrison, et al.,	"	4138

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Joe Harrison-2

W. J. Sloan Harrison, Joe Harrison, Maggie Bell Harrison, Lydia Williams, Johnson Williams, Jesse Williams, Hattie Williams, Finney Williams, Roxana Williams, Rosie Williams, Sloan Harrison Williams, Mamie Williams, Annie Ruth, Louisa Ruth, Ella Ruth, James Ruth, Angie Ruth, Viola Ruth, George Ruth, Louisiana Ruth, Haley Ruth, John Ruth, Louisa Hatcher, Finney Hatcher, Ada Hatcher, Mandy Hatcher, Stone Harrison, Charlie Harrison, Randy Harrison, Ella Hatcher, Lula Hatcher, Mollie Hatcher, Dollie Hatcher, Myrtle Hatcher, John Harrison and Henry Harrison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"In the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage and that the application made by W. J. Sloan Harrison for the identification of his wife, Mahala Harrison, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. E. J. Redden.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, November 8, 1902.

Joe Harrison,

Starrett, Indian Territory.

Dear Sir:

You are hereby advised that on the 23rd day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of W.J. Slean, Harrison, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

Samuel D. Luby
Acting Chairman.

No. 3832

For Identification as a Mississippi Choctaw.

OCT 25 1901

Date

Name Joe Harrison,

Age 37 - Blood 1/4

Post-Office, Sterrett, I. T.

Father: Sloan Harrison, W.

Mother: Mahala " L.

Claims through father
wife, Beulah neg. & Ind.
No claim for wife -

Children:

Maggie D. Harrison, I.

Claims for self &
child -

Stenographer

Hal Belford

Choctaw MCR 3833

Lydia Williams

See MCR 2257

MCR 3833

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 25, 1901.

#3833.

In the matter of the application of Lydia Williams for the identification of herself and her eight minor children, Johnson, Jesse, Hattie, Fanny, Roxana, Rosie, Slean H., and Mamie Williams, as Mississippi Choctaws.

Applicant not represented by Attorney.

Lydia Williams, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q Your name is what? A Lydia Williams.
Q Hettie? A Lydia Williams.
Q Lydia? A Yes sir.
Q How do you spell Lydia? A L-i-d-y, ain't it?
Q L-y-d-i-a? A Yes, I guess so.
Q Are you a sister of Joe Harrison? A Yes sir.
Q What is your age? A About thirty-five.
Q What is your post office address? A Calhoun
Sterrett, isn't it? A Yes sir, that's what they call it.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A In the Territory?
Q No, near Sterrett? A Twenty-one years.
Q Twenty-one years? A Yes sir.
Q Where were you born? A Texas.
Q What place in Texas? A Grimes County.
Q How? A Grimes County.
Q What? A Grimes.
Q Grimes, Texas? A Yes sir.
Q Did you live in Grimes while living in Texas? A Yes sir.
Q And from there you went to the Indian Territory? A Yes sir.
Q What is your father's name? A Slean Harrison.
Q Sometimes called Henry Harrison? A Yes sir.
Q He has made application for identification hasn't he, before the
Commission? A Yes sir.

(2).

Q He is living? A Yes sir.
Q What is your mother's name? A 'Hala Harrison.
Q What? A 'Hala Harrison.
Q Mahala? A Yes sir.
Q M-a-h-a-l-a, is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim----how much Choctaw blood? A Sir?
Q How much Choctaw blood do you claim? A Quarter.
Q What is your mixture----your blood? Have you any white blood?
A No sir.
Q What is it then? A Choctaw.
Q And what else? A Choctaw.
Q How? A Choctaw Indian.
Q Well, you didn't understand my question did you. You know you are not all Choctaw. You know it as well as I know that. Now answer the question. A Yes sir.
Q Well, what is your other blood besides Choctaw? A Negro.
Q You claim to have no white blood at all? A No sir.
Q When and where were your father and mother married----do you know? A No sir, I don't know.
Q Have you proof of their marriage with you? A Sir?
Q Have you proof of their marriage? A Yes sir.
Q You intend to file it do you in this case to-day? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Sam Williams.
Q How? A Sam Williams.
Q What is his blood? A Negro.
Q Do you make any claim for him? A No sir.
Q Have you any children you want to make application for under twenty-one years of age and unmarried? A Yes sir.
Q Give me the name of the oldest? A Sir?
Q The name of the oldest child? A Johnson.
Q Johnson Williams? A Yes sir.
Q Are they all Williams? A Yes sir.
Q How old is he? A Sir.
Q How old is Johnson? A He's about twenty-one.
Q How old? A He's about twenty.
Q Twenty? A Yes sir.
Q Now the next? A Jesse Williams.
Q How? A Jesse Williams----he's thirteen.
Q Boy? A Yes sir.
Q Next? A Hattie Williams.
Q What? A Hattie Williams, she's----.
Q Hattie? A Yes sir.
Q How old is she? A She's going on eleven years old.
Q The next? A Finney Williams.
Q How do you spell that? A F-i-n-e-y, ain't it?
Q Girl? A Yes sir.
Q How old? A She's about----she's going on ten years old.
Q How old? A Ten years old----ten years.
Q The next? A Roxana Williams. She's going on eight.
Q R-o-x-a-n-a, eight. Next. A Rosie, she's seven.
Q Next? A He's four, Harrison----Sloan Harrison, little boy.
Q Sloan? A Yes sir.
Q How old is Sloan? A He's four years old.

(3).

- Q Any more? A Yes sir, the baby. She'll be two year old the 25th of December.
- Q What is her name? A Mamie.
- Q M-a-m-i-e? A Yes sir.
- Q You claim for yourself and these children do you? A Yes sir.
- Q Are these all the children of Sam Williams? A Yes sir.
- Q And all yours? A Yes sir.
- Q When and where were you married to him? A Colbert Station.
- Q When? A Colbert Station, I don't exactly know what year it was.
- Q Married by a minister under a license? A Yes sir.
- Q Was he ever married before he married you? A No sir.
- Q Were you ever married before you married him? A No sir.
- Q Is your name or the names of these children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself or children to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Is this the first application that you have ever made for yourself and children for admission as citizens into the Choctaw Nation to either the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws, claiming an interest in the lands in the Choctaw Nation Indian Territory, under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that Article of that Treaty? A No sir.
- Q Article XIV of the Treaty of 1830 was put into that treaty for the especial benefit of those Choctaw Indians who stayed in Mississippi and who never did go from that old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory. The treaty of 1830 was made between the Choctaw Indians on the one hand, and the United States Government on the other, at a place called Dancing Rabbit Creek in Mississippi, for the purpose of getting all of the Indians in the old Choctaw Nation to go to the new Choctaw Nation Indian Territory. Under that Treaty a great many came between 1833 and 1838 and after that, but before the Treaty was signed a great many Choctaw Indians wouldn't go to the Choctaw Nation Indian Territory, for the reason that they didn't like to leave their old nation and go into a new country and in order to protect their interests Article XIV was put into the Treaty. Now Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation

(4).

of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now as you understand that from having it read and explained to you, do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article? A No sir, I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw---your grandfather? A Yes sir.
- Q What is his name? A Sloan Harrison.
- Q Well now, is that Sloan Harrison, or W. J. Sloan Harrison. A I don't know sir how it's spelled. It's just Sloan Harrison.
- Q Your brother said his grandfather's name was W. J. Sloan Harrison when he testified a few minutes ago. Now is that the same one who you say is Sloan Harrison? A Yes sir.
- Q Well, now don't you grandchildren know the name of your grandfather. Don't you know whether it's W. J. Sloan Harrison or Sloan Harrison? A No sir, I don't know how its spelled. I just know his name's Sloan.
- Q Well, it's the same person though that your brother gives his name as W. J. Sloan Harrison? A Yes sir.
- Q Did he live in Mississippi? A That's what I heard Ma say.
- Q Heard that in the family did you? A Yes sir.
- Q Who told you that he lived in Mississippi? A My father.
- Q Your father? A Yes sir.
- Q Do you know whether he lived in Mississippi in 1830? A No sir, I don't.
- Q Do you know whether he had a family there in Mississippi? A No sir.
- Q Do you know whether he had any land in Mississippi that he got from the Government? A No sir.
- Q Do you know whether he claimed any land or received any under Article XIV of the Treaty of 1830? A No sir.
- Q Did he claim or receive any land in any other way or under any other article of the treaty of 1830 than Article XIV or under the supplement of that treaty? A No sir, not as I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation, Indian Territory, between the years 1833 and 1838 with the other Indians? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 go to the United States Indian Agent Colonel Ward, and tell him that they intended to stay in Mississippi and take land there? A Yes sir.

(5).

- Q You claim through your father, do you not? A Yes sir.
- Q How old is your father now? A I don't know sir, exactly.
- Q About how old. He is over fifty isn't he? A Yes sir, so somewhere along there.
- Q Was he born in Mississippi? A Yes sir.
- Q Do you know where? A No sir, I don't know where.
- Q Your father is present now before the Commission isn't he? A Yes sir.
- Q Well, don't he look to be over fifty? A Well, I don't know sir.
- Q He looks a little older than that to me. Do you know where his father died? A No sir, I don't.
- Q Do you know when he died? A No sir.
- Q Do you know where he was born? A No sir.
- Q Nor when he was born? A No sir.
- Q Do you know where he lived during his life? A No sir.
- Q In what state? A No sir.
- Q I am talking now about W. J. Sloan Harrison. A I knowed who you was speaking about.
- Q But you say you don't know where he lived during his lifetime? A No sir.
- Q You don't know that he lived in Mississippi? A No sir, only what I have heard them say.
- Q Well, what made you say a little while ago that he did live in Mississippi if you say now that he didn't. A I don't know any more than what he taught me, he lived there.
- Q Who taught you? A Father.
- Q Well, I asked you if he had lived in Mississippi a little while ago, if your father told you so. Now I ask you again whether he lived in Mississippi and you say you don't know. Now what do you mean---that you do know or you don't know? A Well, of course my father told me he lived there.
- Q All right then, why didn't you say that you knew he did from what your father had told you. You never saw him yourself, did you? A No sir.
- Q Well, did you mean then you didn't know because you hadn't seen him and he hadn't told you that he lived there? A Just what he told me.
- Q What your father told you? A Yes sir. Father told me, that's all I know.
- Q Well, did your father tell you now, that his father, Sloan Harrison lived in Mississippi? A Yes sir.
- Q Did he tell you in what place in Mississippi he lived? A No sir.
- Q Did he tell you that he ever owned land there? A His father? Yes. A No sir.
- Q Did he ever tell you that he kept a little store there? A Yes sir.
- Q Whereabouts did he keep that store? A I don't know sir.
- Q Never told you that? A No sir, I don't remember.
- Q Did he ever tell you that his father went to the United States Indian Agent and told him that he wanted to stay in Mississippi and take land there? A Not as I know of.
- Q According to the provisions of Article XIV of the Treaty of 1830 the United States Indian Agent was required by the Government to make a list of all Choctaw Indians who came before him within six months after the ratification of the Treaty of Dancing Rabbit Creek and told him that they wanted to stay in Mississippi, take land there and become citizens of the States. A list was made by this Agent called Ward's Register, but it contains the names of very few of the total number of Indians who complied with the

(6).

provisions of Article XIV of the Treaty of 1830, and because the Agent made a very incomplete list, leaving off the greater number of applicants who came before him many Indians who owned land in Mississippi upon which they had improvements had that land taken from them by the Government and sold with improvements. This caused so many complaints on the part of the Choctaw Indians that in 1837 Congress, by an Act approved march 3 of that year, appointed a Commission. This Commission went to the state of Mississippi and heard Choctaw Indian claimants under Article XIV of the Treaty of Dancing Rabbit Creek and made a list of the names of all successful claimants. In 1842 another Commission was appointed by Congress and they went to the State of Mississippi and heard claimants under Article XIV and made a list of the names of successful claimants. Do you know if any of your Choctaw ancestors went before either of those two Commissions and claimed benefits under Article XIV of the Treaty of 1830? A No sir.

- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian claimant came before it and proved his claim under Article XIV of the Treaty of 1830, if it also appeared that he had had his land previously taken from him by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that he should receive a certificate to that effect. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A No sir.
- Q Your father Sloan Harrison has appeared here for identification has he not? A Yes sir.
- Q Your brother, Joe Harrison has appeared to-day, October 25, for identification? A Yes sir.
- Q Do you want to have the testimony taken in their cases considered with yours, that you may get the benefit of what they have testified to? A Yes sir.
- Q Have you any documentary evidence you want to present now? A No sir.

Reasonable time will be allowed this applicant in which to present documentary proof in support of her claim and the claim she makes for her children for identification as Mississippi Choctaws, or any other proper evidence that she desires to present. Also proof of the marriage of her father and mother.

- Q Can you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from a mixture of Negro and other blood.

(7).

The Commission is not able to determine whether the mixture is Negro and Indian or Negro and White. She claims it is one fourth Choctaw. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 7 day of December, 1901.

Hal Belford
Clara Mitchell Wood
Notary Public.

COPY.

M C R 3833

Muskogee, Indian Territory, July 22, 1902.

Lydia Williams,

Starrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 22nd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Sloan Harrison, et al., embracing the following applications for identification as Mississippi Choctawes:

W. J. Sloan Harrison, et al.,	M C R	2257
Joe Harrison, et al.,	"	3832
Lydia Williams, et al.,	"	3833
Annie Ruth, et al.,	"	3834
Louisa Hatcher, et al.,	"	3835
Sloan Harrison, et al.,	"	4112
Ella Hatcher, et al.,	"	4137
John Harrison, et al.,	"	4138

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats. 7495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that

Lydia Williams, et al

the evidence herein is insufficient to determine the identity of W. J. Sloan Harrison, Joe Harrison, Maggie Doll Harrison, Lydia Williams, Johnson Williams, Jesse Williams, Hattie Williams, Wincy Williams, Roxana Williams, Rosie Williams, Sean Harrison Williams, Laie Williams, Annie Ruth, Louisa Ruth, Ella Ruth, James Ruth, Willie Ruth, Viola Ruth, George Ruth, Louisiana Ruth, Malet Ruth, John Ruth, Louisa Hatcher, Wincy Hatcher, Ada Hatcher, Mandy Hatcher, Stone Harrison, Charlie Harrison, Randy Harrison, Ella Hatcher, Lula Hatcher, Mollie Hatcher, Dollie Hatcher, Myrtle Hatcher, John Harrison and Henry Harrison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage and that the application made by W. J. Sloan Harrison for the identification of his wife, Mahala Harrison, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Done at Washington, D.C.

Respectfully,

M.C.R. 3833

COPY.

Muskogee, Indian Territory, November 8, 1902.

Iris Williams.

Sterrett, Indian Territory,

Dear Madam:

You are hereby advised that on the 23rd day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of W.J. Sloan Harrison, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

SIGNED.

James D. Davis,
Acting Chairman.

No. 3833

For Identification as a Mississippi Choctaw.

Date OCT 25 1901

Name Lydia Williams

Age 35 Blood $\frac{1}{4}$

Post Office, Sterrett, D. T.

Father; Sloan Harrison, l.

Mother; Mahala " l

Claims through father,
husband Sam Williams, negro.
No claim for husband

Children: Johnson Williams, 20

Jessie " 13

Bathie " 11

Finey (que) " 10

Roxana " " 8

Rosie " " 7

Sloan " " 4

Marnie " 2

Claims for self &
children.

Stenographer Hal Bedford

Choctaw MCR 3834

Annie Ruth

See MCR 2257

MCR 3834

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 25, 1901.

#3834.

In the matter of the application of Annie Ruth for the identification of herself and her nine minor children, Louisa, Ella, James, Angie, Viola, George, Louisiana, Haley and John Ruth, as Mississippi Choctaws.

Applicant not represented by Attorney.

Annie Ruth, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Annie Ruth.
Q Ruth---is that your last name? A Yes sir.
Q Your husband's name? A Yes sir.
Q How do you spell it? A R-u-t-h.
Q What is your age? A About thirty-four, I reckon.
Q Thirty-four? A Yes sir.
Q What is your post office address? A Gale.
Q Well, it's Starratt, isn't it? A Well, that's what they call it.
Q Starratt is where you get your mail? A Yes sir.
Q Where were you born? A Grimes County.
Q You say you were born in Texas? A Yes sir.
Q Where in Texas? A Grimes County, Texas.
Q What? A Grimes County, Texas.
Q Grimes County---how long did you live in Texas? A I don't know sir.
Q You are not living in Texas now are you? A No sir.
Q How old were you when you left Texas for the Indian Territory?

(2).

- A I don't know.
- Q How? A I don't know sir, how old I was.
- Q How long have you been in the Indian Territory? A Twenty-one years.
- Q How? A About twenty-one years.
- Q And before that time you lived all the time in Texas? A Yes sir.
- Q What is your father's name? A Slean.
- Q Slean Harrison? A Yes sir.
- Q Is he before the Commission now? A Yes sir.
- Q He has been here for identification has he not before this date? A Sir?
- Q He has been here for identification has he not? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is her name? A 'Hala.
- Q Mahala----through which parent do you claim Choctaw blood? A Father.
- Q How much do you claim? A Quarter.
- Q Has your father ever been recognized as a Choctaw Indian or enrolled as such by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
- Q Have you proof of the marriage of your father and mother? A No sir.
- Q Can you get it? (No answer).
- Q Can you get it? A Yes sir.
- Q You will be given reasonable time in which to introduce testimony or documentary evidence to show their marriage. Are you married? A Yes sir.
- Q What is your husband's name? A Jim Ruth.
- Q What is his nationality? Is he a white man? A No sir.
- Q What is he? A Negro.
- Q You claim one-fourth Choctaw blood do you? A Quarter Choctaw.
- Q Quarter, yes, what is your other blood? A Negro.
- Q Were your parents, either of them, slaves ever? A Sir.
- Q Were either of your parents slaves before the war? A No sir.
- Q Or any of their parents? A No sir, not as I know of.
- Q Do you make any claim for your husband? A No sir.
- Q How have you any children ever twenty-one years of age? A No sir.
- Q All under twenty-one? A Yes sir.
- Q All unmarried? A Yes sir.
- Q Give me the name of the oldest child? A Louisa.
- Q What? A Louisa Ruth.
- Q Louisa? A Yes sir.
- Q All the children of Jim Ruth? A Yes sir.
- Q How old is Louisa? A Going on seventeen.
- Q The next, A Ella Ruth.
- Q How old is Ella? A In her sixteenth.
- Q The next? A James Ruth.
- Q James? A Yes sir.
- Q How old is James? A In his fourteenth.
- Q How? A In his fourteenth as near as I can get at it.
- Q What is the name of the next? A Angie Ruth.
- Q What? A Angie.
- Q Girl? A Yes sir.
- Q How old? A Viola.
- Q No, how old is Angie Ruth? A Oh! she's in her twelfth, I guess.
- Q The next? A Viola.
- Q How old? (No answer)
- Q How old is she? A About eleven, I guess.
- Q Next? A George Ruth

(3).

- Q How old? A Eight. He's eight.
Q The next? A Louisiana Ruth.
Q Louisiana? A Yes sir.
Q How old? A In her six years old.
Q The next? A Haley.
Q Is Haley a boy or girl? A Girl.
Q How old? A She'll be four years old next May.
Q One more? A John.
Q Just one? A Yes sir.
Q How old is John? A A year old the 4th of this month.
Q A year? A Yes sir.
Q Did I understand you that Jim Ruth is the father of all these children? A Yes sir.
Q And you are the mother of them all? A Yes sir.
Q They all live with you at your home? A Yes sir.
Q When and where were you married to your husband, Jim Ruth? A Sir?
Q When and where were you married to him? A Colbert.
Q Colbert? A Yes sir.
Q Indian Territory? A Yes sir.
Q When? A In June.
Q June of what year? A I don't know sir. I can't tell you nothing but that. I can't remember now.
Q Well, you were married quite young, weren't you? A Yes sir.
Q How old were you when you were married, could you tell? A No sir not exactly.
Q You are thirty-four now, and one of your children is seventeen years old and that would make you half of thirty-four or seventeen. You must have been married when you were fifteen or sixteen weren't you? A I guess so.
Q When you were a girl, but you don't remember the exact date? A No sir.
Q Married by a minister under a license? Married by a minister were you? A Charley Goodwin.
Q Minister? A Yes, I guess so.
Q Did you have a license? A Yes sir.
Q Was he a preacher? A Yes, I guess so. Minister I guess. I don't know whether he was a preacher no way.
Q Justice of the peace? A Yes.
Q Is your name or the names of any of your children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Choctaw Tribal Authorities? A No sir.
Q Did you ever make application for citizenship for yourself and children in the Choctaw Nation to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Is this the first application that you ever made of any description for citizenship in the Choctaw Nation either to the Choctaw Tribal Authorities or to the United States Authorities? A Yes sir.

(4).

- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw, claiming an interest in the lands in the Choctaw Nation, and claiming also the right to identify your children as Mississippi Choctaws under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No, no sir.
- Q Do you understand Article XIV of the Treaty of 1830? A No sir, I guess not.
- Q The Treaty of 1830 was made between the United States Government and the Choctaw Tribe of Indians in Mississippi, at a place called Dancing Rabbit Creek in that year, for the purpose of getting all the Choctaw Indians to go from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory. Before it was signed it became evidenced that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory and in order to protect their interests and their rights, Article XIV was put into the Treaty. It was then signed by all the parties interested. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors, if you know anything about it comply with the provisions of this Article which has been read to you and explained, do you know? A No sir.
- Q What is the name of your ancestor through whom you claim your Choctaw blood---your grandfather? A Yes sir.
- Q What is his name? A Slean.
- Q Well now, is his name W. J. Slean Harrison, or just Slean Harrison? Your brother who applied here a few minutes ago gave it as W. J.

(5).

- Sloan Harrison. Do you know if that is his name? A Yes sir, that's his name.
- Q That's his name, is it? A Yes sir.
- Q He was your grandfather? A Yes sir.
- Q Did he live in Mississippi? A Yes sir.
- Q How do you know? Who told you he lived in Mississippi? A Father
- Q Your father? A Yes sir.
- Q Did you ever hear from anybody else that he lived in Mississippi except from your father? A No sir.
- Q Did you know your grandfather? A No sir.
- Q He died before you knew him? A Yes sir.
- Q Did he live in Mississippi in 1830, seventy-one years ago? A I guess so. I don't know sir.
- Q Did you ever hear that he did? A (No answer)
- Q Did you ever hear that he did? (No answer).
- Q Answer the question if you ever heard that he did? A Yes sir.
- Q Who told you that he did? A That was my father.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not as I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there? A Not as I know of.
- Q Did any of your Choctaw ancestors go from either Mississippi or Alabama that is, go from the old Choctaw Nation to the new Choctaw Nation Indian territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government under Article XIV of the Treaty of 1830? A (No answer).
- Q Did they ever receive any land from the Government under Article XIV of the treaty of 1830? A Not as I know of.
- Q Did they ever receive any land or any benefits whatever under any other Article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? A No sir, not as I know of.
- Q How old is your father? A Sir?
- Q How old is your father----if you know? A He is about----between sixty, I reckon and seventy.
- Q Where was he born if you know? (No answer).
- Q Do you know? A Mississippi, I guess.
- Q What? A Mississippi, I guess.
- Q Do you know? (No answer).
- Q What makes you guess he did? (No answer).
- Q What makes you guess he did? (No answer)
- Q Did he ever tell you he was born in Mississippi? A Yes, there's where he was born.
- Q How? A Yes I think so, if I ain't mistaken.
- Q Well, you may be mistaken, do you? (No answer).
- Q You guess so, if you are not mistaken. Now don't you know whether he ever told you or not. Answer this question. You know whether he told you or not. Now did he or did he not? A Yes sir.
- Q He told you he was born in Mississippi? A Yes sir.
- Q Did he tell you where in Mississippi he was born? (No answer).
- Q Answer the question? A No sir, not as exactly I know what place.
- Q Did he tell you when he was born there? A Why, I have forgot.
- Q Do you know when and where your grandfather was born? A Mississippi.
- Q Who told you do? A Father.
- Q How? A My father.

(6).

- Q Did he tell you where in Mississippi he was born? A No sir, if he did I have forgot it.
- Q Did he tell you where he died? A In Mississippi.
- Q Did he tell you when he died? A No sir. If he did I have forgot it.
- Q What place in Mississippi did your grandfather die? A I don't know sir.
- Q According to the provisions of Article XIV of the Treaty of 1830, the United States Indian Agent, Colonel Ward was required by the Government to make a list of the names of all Choctaw Indian claimants who came before him within six months from the ratification of the Treaty of 1830, and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States. The Agent made a list called Ward's Register, but it contains a small fractional part of all of the Indians who came before him and made declarations of intention under Article XIV of the Treaty of Dancing Rabbit Creek. This neglect on the part of the Agent to make a complete list of all of the claimants who came before him caused a great many Indians who held land in Mississippi to lose that land. It was taken from them by the Government together with the improvements they had upon it, and sold. This caused so many complaints on the part of the Indians that in 1837 Congress appointed a Commission. This Commission went to the state of Mississippi and heard a great many claimants under Article XIV, of that treaty. In 1842 another Commission was appointed by Congress for the same purpose and they went to Mississippi and heard claimants under Article XIV of that Treaty. Did any of your Choctaw ancestors go before either of those two Commissions and claim benefits under Article XIV of the Treaty of Dancing Rabbit Creek, do you know? A Sir.
- Q Do you know? A No sir, not as I knows of?
- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian claimant came before it and proved his claim under Article XIV, and if it also appeared that he had previously had his land taken from him by the Government, he should be entitled to select land either in Mississippi, Alabama or Arkansas to be taken from vacant Government land and that a certificate should be given to him to that effect. Did any of your Choctaw ancestors receive any such certificate or scrip from the Government? A No sir, not as I knows of.
- Q Have you any documentary evidence that you would like to present now in support of this claim that you make for yourself and children? Any papers? Anything in writing? A No sir.

Reasonable time will be allowed this applicant in which to introduce documentary or other proper evidence in support of your claim, and the application which she makes for herself and children.

- Q Is Joe Harrison your brother? A Yes sir.
- Q Is Lydia Williams your sister? A Yes sir.

(7).

- Q They have appeared on this date, October 25, for identification as Mississippi Choctaws, have they? A Yes sir.
- Q They claim through W. J. Sloan Harrison, or Sloan Harrison, your grandfather? A Yes sir.
- Q And your father has also appeared here has he not, on a previous date, to be identified? A Yes sir.
- Q Do you want to have the testimony in their cases considered with yours that you may get the benefit of what they have testified to? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything more you want to say about this case? A No sir

This applicant has the appearance and physical characteristics of being descended from Negro parentage. There is an admixture of other blood in her ancestors. She claims it is Indian. The Commission is unable to determine whether it is Negro and Indian or Negro and White. The Negro characteristics are strongly marked. She does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 7 day of December, 1901.

Charles M. Bell
Notary Public.

Muskogee, Indian Territory, July 22, 1902.

Annie Ruth,

Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 22nd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Sloan Harrison, et al., embracing the following application for identification as Mississippi Choctaws:

W. J. Sloan Harrison, et al.,	" C R "	2257
Joe Harrison, et al.,	"	3832
Lydia Williams, et al.,	"	3833
Annie Ruth, et al.,	"	3834
Louisa Hatcher, et al.,	"	3835
Shane Harrison, et al.,	"	4112
Ella Hatcher, et al.,	"	4137
John Harrison, et al.,	"	4138

These applications were made under the provisions of the act of Congress of June 28, 1892 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 3 of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Sloan Harrison, Joe Harrison, Maggie Dell Harrison, Lydia Williams, Johnson Williams, Jesse Williams, Hattie Williams, Finney Williams, Roxana Williams, Rosie Williams, Sloan Harrison Williams, Marie Williams, Annie Ruth, Louisa Ruth, Ella Ruth, James Ruth, Angie Ruth, Viola Ruth, George Ruth, Louisiana Ruth, Haley Ruth, John Ruth, Louisa Hatcher, Finney Hatcher, Ada Hatcher, Mandy Hatcher, Stone Harrison, Charlie Harrison, Randy Harrison, Ella Hatcher, Lula Hatcher, Mollie Hatcher, Dottie Hatcher, Myrtle Hatcher, John Harrison and Henry Harrison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage and that the application made by W.J.Sloan Harrison for the identification of his wife, Mahala Harrison, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, November 8, 1902.

Annie Ruth,

Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 23rd day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of W.J. Slean Harrison, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

Tamc Shoby.
Acting Chairman.

For Identification as a Mississippi Choctaw.

OCT 25 1901

Date

Name Annie Ruth

Age 34

Blood 1/4

Post Office, Sterrett, D. T.

Father: Sloan Harrison, l.

Mother: Mahala " & l.

Claims through father
 husband, Jim Ruth, negs.
 No claim for husband.

Children: Louisa Ruth, 17

Ella " 16

James " 14

Angie " girl 12

Viola " " 11

George " 8

Louisiana " 6

Haley girl " 4

John " 1

Claims for self & children

Stenographer Hal Belford.

Choctaw MCR 3835

Louisa Hatcher

See MCR 2257

MCR 3835

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 25, 1901.

#2835.

In the matter of the application of Louisa Hatcher for the identification of herself and her three minor children, Finney, Ada, and Mandy Hatcher, as Mississippi Choctaw.

Applicant not represented by Attorney.

Louisa Hatcher, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Minnie Hatcher.
Q Minnie what? A Hatcher.
Q H-a-t-a-h-a-r, is it? A Yes sir. That's a nickname.
Q I don't want any nickname. I want your name? A Well, Louisa.
Q What is your age? A Twenty-eight.
Q Twenty what? A Twenty-eight.
Q What is your post office address? A Sterrett.
Q Indian territory? A Yes sir.
Q Where were you born? A In Texas.
Q What place in Texas? A Grimes.
Q What? A Grimes.
Q Grimes? A Yes sir.
Q When did you leave Texas for the Territory? A We been in the twenty-one years.
Q Twenty-one years ago you left Texas? A Yes sir.
Q When you were about seven years old---little girl? A Yes sir.
Q What is your father's name? A Glenn Harrison.
Q Has he appeared for identification as a Mississippi Choctaw before the Commission? A Yes sir.
Q He is present here now isn't he? A Yes sir.
Q What is your mother's name? A Mahala.

(2).

- Q Is she living? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A My father and my grandfather.
- Q How much Choctaw blood do you claim? A Quarter.
- Q Do you know when and where your father and mother were married? A No sir.
- Q Do you know by whom they were married? A No sir.
- Q Have you the proof of their marriage with you? A No sir. He's got it.
- Q He has? He has it? A Yes sir.
- Q Can you get proof that you would like to file with the Commission to-day. Can you get a certified copy of is and present it to-day? A Of his'n?
- Q Yes. A His license you mean.
- Q Yes. You can get a certified copy of that to-day can you? A I don't know sir, what you mean.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians bu either the Choctaw Tribal Authorities, or the United States Authorities in the Indian Territory? A No sir.
- Q What's that? A No sir, not as I knows of.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Henry Hatcher.
- Q What? A Henry Hatcher.
- Q Speak a little louder please? A Henry Hatcher.
- Q What is his blood? A He----I don't know sir. He's part Negro and Choctaw he says.
- Q Isn't he a fullblood Negro? A No sir, he wan't a fullblood Negro.
- Q Do you make any claim for him? A No sir, 'cause he ain't living.
- Q What? A I say No sir, 'cause he ain't living.
- Q He weren't living? A No sir.
- Q He's dead is he? A Yes sir.
- Q Have you any children under twenty-one years of age and unmarried? A All mine is small.
- Q How? A Mine is five years old, six years old and two years old.
- Q Give me the name of your oldest child? A Finey.
- Q What? A Finey is his name.
- Q Well now, give it to me again? A Finey.
- Q Is that a girl? A Yes sir.
- Q How old is it? A She's six years old.
- Q Now the next? A Ada.
- Q What? A Ada.
- Q Hoe old is Ada? A She's four years old.
- Q Next? A Mandy.
- Q Girl? A Yes sir.
- Q How old is it? A Two years old.
- Q Is that all? A Yes sir.
- Q You claim for yourself and these three children? A Yes sir.
- Q Is Henry Hatcher the father of these children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q Was he ever married before he married you? A Yes sir.
- Q He has been married before? A Yes sir.
- Q You are his second wife? A Yes sir.
- Q What was the name of his first wife? A I don't know sir.
- Q Any children by his first wife? A Yes sir.
- Q They don't claim any Choctaw bleed do they? A There isn't----I don't know what they claim.
- Q What? A I don't know what they claim.
- Q You only claim for yours? A Just mine.

(3).

- Q You don't claim any blood for his children through him, do you?
A No sir.
- Q Just claim for your children through yourself? A Yes sir.
- Q And through your father? A Yes sir.
- Q When were you married to your husband, Henry Hatcher? A Be eight years the 28th of December,----this coming December.
- Q Where? A In Texas.
- Q Where in Sherman? A Yes, in Sherman.
- Q Sherman, Texas? A Yes sir.
- Q Were you married by a minister under a license? A Yes sir.
- Q Is your name or the names of your children on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and your children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with any of your children to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for yourself or any of these children for citizenship in the Choctaw Nation, either to the Choctaw Tribal Authorities, or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw? Claiming an interest in the lands of the Choctaw Tribe of Indians under Article XIV of the treaty of 1830? A Yes sir.
- Q Do you understand that Article of that treaty? A No sir, not exactly I don't.
- Q You have heard it read and explained a number of times to-day? A Yes sir, I have.
- Q But you don't understand it yet? A No sir.
- Q The Treaty of 1830, sometimes called the Treaty of Dancing Rabbit Creek, because it was made at a place called Dancing Rabbit Creek was made between the Choctaw Indians and the United States Government, and was made for the purpose of getting all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to leave that old territory and go to the new Choctaw Nation, Indian Territory. Before the Treaty was signed it became evident that a good many Choctaw Indians would refuse to consent to go to the new Choctaw Nation, Indian Territory, and in order to protect their interests Article XIV was put into the Treaty of 1830. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of

(4).

land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that now? A Yes sir.
- Q As it has been read and explained to you, and as you understand it now, do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that Article of that Treaty? A No sir.
- Q What did you say? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A You say what do I claim for.
- Q What is the name of your ancestor----your grandfather, is it? A Yes sir.
- Q What is his name? A Sloan Harrison.
- Q Ever hear of W. J. Sloan Harrison? A Yes sir, I have heard of him.
- Q Who is that? A That's my grandfather.
- Q The same one? A Yes sir.
- Q You gave his name as Sloan Harrison? A Yes sir.
- Q Well, was his name W. J. Sloan Harrison? A I don't know sir.
- Q You have heard it given here haven't you by your brother? A Yes sir, I have heard it given.
- Q How much Choctaw blood did he have? A Fullblood, they say.
- Q How do you know he was a fullblood? A I said they said.
- Q What? A That's what they said----fullblood.
- Q Who said he was fullblood? A Well pa said and grandma said he was fullblood.
- Q Did they tell you how he looked? A No sir, not exactly. I couldn't say.
- Q Where did he live during his lifetime? A In Mississippi.
- Q How do you know? A That's what they said.
- Q Who said? A My father.
- Q Anybody else? A I have heard my grandma talk about it.
- Q About his living in Mississippi? A Yes. I was quite young and I don't remember no more than what my father said.
- Q Do you know where he was born in Mississippi? A No sir.
- Q Know where he died in Mississippi? A No sir.
- Q Do you know whether he lived on any land in Mississippi? A No sir, I don't.
- Q Do you know whether he got any land from the Government as a Choctaw Indian under Article XIV of the Treaty of 1830? A No sir.

(5).

- Q Did he claim any land or receive any, or any benefits what ever under any other Article of the Treaty of 1830 than Article XIV, or under the supplement of that Treaty? A I don't know sir.
- Q Did he, or any of your Choctaw ancestors, within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to take land in Mississippi and th at they wanted to stay there and live there forever, and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors, including among them your grandfather, Sloan Harrison, ever own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Where was your father born? A In Mississippi.
- Q Do you know when? A No sir.
- Q How old is he? A About sixty years old, I reckon.
- Q May be older? A He may be older and may not.
- Q Do you think your father, Sloan Harrison, or W. J. Sloan Harrison was living in Mississippi seventy-one years ago, that is, in 1830? A I don't know sir.
- Q Don't know whether he was the head of a family there at that time? A No sir.
- Q According to the provisions of Article XIV of the Treaty of 1830 the United States Indian Agent who lived in Mississippi at that time was required to make a list of the names of all Choctaw Claimants who came before him within six months after the ratification of the treaty of 1830, and told him they wanted to live there and take land there in Mississippi and become citizens of the United States under Article XIV of that Treaty. The United States Indian Agent made a list of names called Ward's Register, but that list contains the names of but a fractional part of the whole number of Indians who came before him within six months from the ratification of the Treaty and complied with the provisions of Article XIV. This neglect on his part caused a great many Indians to lose the land upon which they were living in Mississippi and Alabama. This land was taken from them and sold by the Government. So many complaints were made because of this Action of the Government that in 1837 a Commission was appointed by Congress and this Commission went to the State of Mississippi and heard claimants under Article XIV of that treaty. In 1842 another commission was appointed by Congress to go to Mississippi for the same purpose and they made a list of the claimants under Article XIV of that Treaty who had proven their claims. Do you know if any of your Choctaw ancestors went before either of those two Commissions, that of 1837 or the Commission of 1842 and claimed benefits under Article XIV of the Treaty of 1830? A No sir.
- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim before it, if it also appeared he had previously had his land taken from him by the Government he should be entitled to select land in either Mississippi Alabama Louisiana or Arkansas to be taken from vacant Government land, and that a certificate to that effect should be given him by the Government. These certificates were called scrip. Do you know whether any of your Choctaw ancestors got any such scrip from the government? A No sir.
- Q Have you any documentary evidence you would like to introduce now? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

(6).

Reasonable time will be allowed this applicant in which to file documentary evidence or other proper evidence in support of her case. Also proof of the marriage of her father and mother.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry in which the Negro predominates. There is a mixture of blood in the family, but the Commission is unable to determine whether it is Negro and White or Negro and Indian. She claims it to be Choctaw Indian and Negro. The Negro predominates in her features and manner. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 7 day of December, 1901.

Hal Belford
Clara Mitchell Wood
Notary Public.

J. F. H.
L. R. B.
(C. W. W.)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of W. J. Sloan Harrison,
et al., for identification as Mississippi Choctaws, consolidating
the applications of-

W. J. Sloan Harrison, et al	M. O. R. 3237
Joe Harrison, et al	" 3832
Lydia Williams, et al	" 3833
Annie Ruth, et al	" 3834
Louisa Hatcher, et al	" 3835
Sloan Harrison, et al	" 4118
Ella Hatcher, et al	" 4137
John Harrison, et al	" 4138

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by W. J. Sloan Harrison for himself; by Joe Harrison for himself and
his minor child, Maggie Dell Harrison; by Lydia Williams for herself
and her eight minor children, Johnson, Jesse, Hattie, Finney, Romana,
Rebie, Sloan Harrison and Mamie Williams; by Annie Ruth for herself
and her nine minor children, Louisa, Ella, James, Angie, Viola,
George, Louisiana, Haley, and John Ruth; by Louisa Hatcher for her-
self and her three minor children, Finney, Ada and Mandy Hatcher;
by Sloan Harrison for himself and his two minor children, Charlie

and Randy Harrison; by Ella Hatcher for herself and her four minor children, Lula, Mollie, Dollie and Myrtle Hatcher; by John Harrison for himself and his minor child, Henry Harrison, and by W. J. Sloan Harrison for the identification of his wife, Mahala Harrison, as an intermarried Mississippi Choctaw, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one W. J. Sloan Harrison, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the posses-

(3)

aim of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said W. J. Sloan Harrison, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 213).

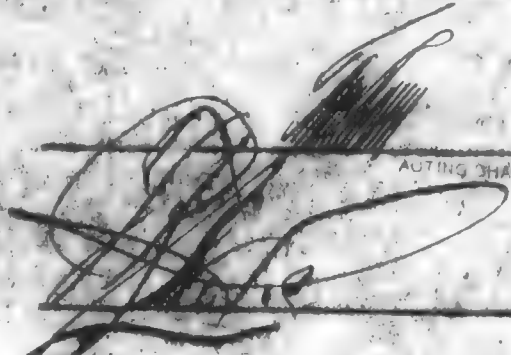
It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Sloan Harrison, Joe Harrison, Maggie Dell Harrison, Lydia Williams, Johnson Williams, Jesse Williams, Hattie Williams, Finney Williams, Roxana Williams, Rosie Williams, Sloan Harrison Williams, Maudie Williams, Annie Ruth, Louisa Ruth, Ella Ruth, James Ruth, Angie Ruth, Viola Ruth, George Ruth, Louisiana Ruth, Maloy Ruth, John Ruth, Louisa Hatcher, Finney Hatcher, Ada Hatcher, Maudy Hatcher, Elene Harrison, Charlie Harrison, Sandy Harrison, Ella Hatcher, Julia Hatcher, Nellie Hatcher, Delle Hatcher, Myrtle Hatcher, John Harrison and Henry Harrison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage and that the application made by W. J. Sloan Harrison for the identification of his


(4)

wife, Mahala Harrison, as an intermarried Mississippi Choctaw,
should therefore be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.



Commissioners.

Washburn, Indian Territory.

JUL 22 1902

COPY.

K C R 3835

Muskogee, Indian Territory, July 22, 1902.

Louisa Hatcher,

Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 22nd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Sless Harrison, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Sless Harrison, et al.,	K C R	2257
Joe Harrison, et al.,	"	3832
Lydia Williams, et al.,	"	3833
Annie Ruth, et al.,	"	3834
Louisa Hatcher, et al.,	"	3835
Glenn Harrison, et al.,	"	4118
Ella Hatcher, et al.,	"	4137
John Harrison, et al.,	"	4138

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

Louisa Hatcher-3

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Sloan Harrison, Joe Harrison, Maggie Dell Harrison, Lydia Williams, Johnson Williams, Jesse Williams, Hattie Williams, Finney Williams, Roxana Williams, Rosie Williams, Sloan Harrison Williams, Mamie Williams, Annie Ruth, Louisa Ruth, Ella Ruth, James Ruth, Angie Ruth, Viola Ruth, George Ruth, Louisiana Ruth, Haley Ruth, John Ruth, Louisa Hatcher, Finney Hatcher, Ada Hatcher, Mandy Hatcher, Sloan Harrison, Charlie Harrison, Randy Harrison, Ella Hatcher, Lula Hatcher, Mollie Hatcher, Dollie Hatcher, Myrtle Hatcher, John Harrison and Henry Harrison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage and that the application made by W. J. Sloan Harrison for the identification of his wife, Mahala Harrison, as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, November 8, 1902.

Louisa Hatcher,

Bterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 23rd day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of W.J. Slean Harrison, et al., of which decision you were advised by registered mail on the 22nd day of July, 1902.

Respectfully,

Francis Dixby.
Acting Chairman.

No. 10000
For Identification as a Mississippi Choctaw.

Date

OCT 25 1901

Name

Louisa Hatcher.

Age

28

Blood

1/4

Post Office,

Sterrett, I. T.

Father:

Sloan Harrison, l.

Mother:

Mahala " l

Claims through

husband

father

Henry Hatcher, neq. (d.)

Children:

Finey (nie) Hatcher, 6

Ada

"

"

4

Mandy

"

"

2

Claims for self &
children -

Stenographer

W. B. Buford

Choctaw MCR 3836

Jesse J. Edington

See MCR 85

MCR 3836

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 25, 1901.

#3836.

In the matter of the application of Jesse J. Edington
for the identification of himself and his four minor children as
Mississippi Choctaws.

Applicant represented by L. D. Horton, Attorney.

Jesse J. Edington, being first duly sworn, upon his
oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Edington.
Q What is your first name? A Edington, Jesse Edington---Jesse J.
Q E-d-i-n-g-t-o-n.
Q What is your age? A Thirty-one.
Q What is your Post Office address? A Mt. Joy.
Q What? A Mt. Joy, Texas.
Q Is that all one word? A No, it's divided into two.
Q What? A It's two, I think.
Q M-o-u-n-t is it? A Yes.
Q Texas? A Yes sir.
Q Where were you born? A Mississippi.
Q Where in Mississippi? A Pontotoc County.
Q How long did you live in Mississippi? A Well, I reckon---I don't
know exactly---but then I think I was about four years old when
I left there.
Q Then you went from there where? A Came from there to Texas.
Q From there to Texas? A Yes sir.
Q What place in Texas did you first live at? A Delta County, Mt.
Joy.
Q What? A Mt. Joy.
Q And you have lived there ever since? A Yes sir.
Q What is your father's name? A Bob Edington.
Q What? A Bob Edington.

(2).

- Q Robert? A Yes sir.
- Q Is he living? A No sir.
- Q What is your mother's name? A Edwards----Lizzie Edwards before she was married.
- Q She married again, did she? A Yes sir, she married the second time.
- Q What was her last name? A Look.
- Q Well now, give me her full name? A Lizzie Look----that's her last name.
- Q Is she living? A No sir.
- Q L-o-o-k, is it? A Yes sir.
- Q Or L-e-o-k-e? A L-o-o-k, I reckon.
- Q She is dead, you say? A Yes sir.
- Q Through which parent do you claim Choctaw blood----father or mother? A Mother.
- Q How much Choctaw blood do you claim? A About one-sixteenth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir, not that I know of.
- Q When and where were your father and mother married? A In Mississippi.
- Q They were married in Mississippi----what date? A Well, I couldn't tell you.
- Q You haven't the proof of their marriage with you then? A No sir.
- Q Reasonable time will be allowed you in which to introduce evidence of the marriage of your father and mother. Are you married? A Yes sir.
- Q What is your wife's name? A You mean what was her name, or what it is.
- Q No, what it is now? A Willie.
- Q What? A Willie.
- Q W-i-l-l-i-e? A Yes sir.
- Q Is she a Choctaw? A No sir.
- Q White woman? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q How many children under twenty-one years of age and unmarried have you? A Four.
- Q You make claim for them? A Yes sir.
- Q What is the name of the eldest? A Minnie.
- Q How old is she? A She's eleven.
- Q Next? A Rubie.
- Q R-u-b-i-e? A Yes sir.
- Q How old is she? A Nine.
- Q Next? A Mary.
- Q Mary? A Yes sir----now I believe I give you that one wrong----I believe the second one's ten in place of nine. Seven.
- Q Mary is seven? A Yes sir. The youngest one is Lewis----five.
- Q L-e-u or L-e-w? A L-e-w, I reckon.
- Q Is your wife, Willie, the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q And they live at your home, do they? A Yes sir.
- Q You claim then for yourself and these children, do you? A Yes sir.
- Q When and where were you married to your wife, Willie? A Well, I don't know whether I could tell you the date exactly or not. I reckon it's been thirteen years this November----this coming November.

(3).

- Q November---what day? A Well, I don't recollect exactly.
- Q Have you the marriage license of the marriage between yourself and your wife with you? A No sir.
- Q Think you can produce it? A I guess I could.
- Q Reasonable time will be allowed you in which to do so. Is your name, or the name of any of your children, on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children, to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted with your children to citizenship in the Choctaw Nation, by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any description you have ever made for citizenship in the Choctaw Nation for yourself and children, either to the Choctaw Tribal Authorities or to the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified, and for the identification of your children as Mississippi Choctaws, claiming an interest in the Choctaw lands in the Choctaw Nation Indian Territory, under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Well, I don't know whether I do exactly or not.
- Q Did you ever have it explained to you? A No, I don't know that I have.
- Q You understand what a treaty is? A Well, I know pretty well, yes.
- Q You know what an agreement is, in writing, between persons? A Oh yes!
- Q A treaty is the same thing, except, because it is between nations instead of individuals it is called a treaty instead of an agreement or contract. It is, more properly speaking, a compact. Such a treaty was made between the United States Government and the Choctaw Tribe of Indians in 1830 at a place called Dancing Rabbit Creek, in Mississippi. It is sometimes called the treaty of Dancing Rabbit Creek for that reason. The object of that treaty was the removal of all of the Choctaw Indians who lived in Mississippi and Alabama, in what is known as the old Choctaw Nation, from that old Choctaw Nation to the new Choctaw Nation Indian Territory. Before the treaty was signed it became evident however, that a good many Choctaw Indians wouldn't go to the new Choctaw Nation in the Indian Territory. Some provision had to be made for them in that treaty, so article fourteen was drafted and inserted into the treaty. The treaty afterwards then became ratified. An article in a treaty is one of the subdivisions of it. That is the treaty of 1830, and there is article fourteen. It reads as follows:-

Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent

(4).

within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand the provisions of that article of the treaty?
A Yes sir, I think I do.
- Q After having had it read and explained to you, can you say whether or not any of your ancestors ever complied or attempted to comply with any of the provisions of this article of the treaty of 1830?
A Well, not as I knew of.
- Q You don't know? A No sir.
- Q What is the name of your ancestor through whom you claim your Choctaw blood? A Edwards.
- Q What? A Edwards.
- Q What is that? A Edwards.
- Q What is the full name? A William.
- Q Always give the full names of members of the family and persons through whom you claim, because part of a name doesn't answer as a matter of record. What relation was he to you? A He was my great-grandfather.
- Q Great-grandfather----you claim through your mother? A Yes sir.
- Q When did she die? A Well, I don't know the date. She's been dead about eighteen year, I reckon.
- Q How old was she when she died? A Well, I don't know exactly.
- Q How old do you think? A About----she was somewhere in forty, I reckon----about forty.
- Q She would be fifty-eight years old if she were living now, wouldn't she? A Yes.
- Q Where was she born? A Mississippi, I reckon----I don't know though----reasonably sure.
- Q You don't know? A No sir.
- Q Have you any idea where she was born----what state? A Well, it was either Mississippi or Alabama.
- Q Or where? A Alabama, I think. I wouldn't say for certain because I don't know that.
- Q She claims through which parent----father or mother? A Her father, I reckon.
- Q What was her father's name? A Well, it was Edwards.
- Q Yes yes, now give the full name? A Well, I don't know whether I can do that or not.
- Q All right, if you can't do it. She claims through her father then? A Yes sir.
- Q Now he claimed through which parent, father or mother? A Father I guess.
- Q What was his father's name? A William Edwards.
- Q Who of these ancestors, from William Edwards down, ever lived in

(5).

- Mississippi, if you know? A Why, I reckon they all did.
- Q Don't know? A Why, I guess.
- Q You mustn't guess----you must know. A My mother, I know.
- Q Your mother lived in Mississippi? A My mother and father----my mother, of course.
- Q Anybody else of your ancestors? A Not that I know of.
- Q How much Choctaw blood did William Edwards have? A Half, I think.
- Q Do you know? A No sir, I don't.
- Q What makes you think he had half? A Well, that's what's claimed, that's all I know.
- Q Who claimed that? A Well, I have got no right to say, because I never did see him of course.
- Q Well, have you been told that by any member of the family? A Well, I have heard them talk it, of course.
- Q Who have you heard talk it? Now get down to business and give us something definite. A Well, I have heard my uncle is all I have ever heard talk about it.
- Q What is your uncle's name? A Edwards.
- Q Yes, what is his full name? A Dave Edwards.
- Q Has he been before the Commission? A Yes sir.
- Q Have you ever heard your mother say so----ever heard your father say so? A No, my father died when I was small.
- Q Any other members of the family say that? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after this treaty of 1830 was ratified go to the United States Indian Agent who lived in Mississippi then, in 1830, and tell him that they wanted to stay in Mississippi and take land there? A No sir, not that I know of.
- Q Did any of your Mississippi Choctaw ancestors own or claim any land in Mississippi or Alabama from the Government of the United States as Choctaw Indians under article fourteen of the treaty of 1830? A No sir, not that I know of.
- Q Did they ever claim any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q Do you know what the supplement of a treaty is? A Well, I don't know that I understand it exactly.
- Q This is a copy of the treaty of 1830----this treaty we are talking about. It is called "A Treaty of perpetual friendship, cession and limits" entered into by John H. Eaton and John Coffey for and in behalf of the Government of the United States, and the Mingoes Chiefs, Captains and Warriors of the Choctaw Nation. You will notice that it is divided into articles from one to twenty-two inclusive, and is signed by John Eaton and John Coffey representing the Government, and Greenwood Leflore and others representing the Choctaw Indians. Now added to this is a supplement, and entitled "Supplementary articles to the Preceding Treaty." That is what is known as the supplement to the treaty. Some treaties have them and some do not. This treaty of 1830 has a supplement divided into articles numbering four----four articles, and then it is signed by John H. Eaton and John Coffey representing the Government---Greenwood Leflore and others representing the Choctaw Tribe of Indians. Now you all know what a treaty is and what a supplement to a treaty is, and what the articles of a treaty are.

(6).

- Q Do you know whether you claim any benefits under any other article of that treaty or under the supplement of that treaty----other than article fourteen? A No sir.
- Q According to the provisions of article fourteen of the treaty of 1830, the United States Indian Agent who lived in Mississippi at that time was instructed by the United States Government to make a list of the names of all Choctaw Indians who came to him within six months from the ratification of this treaty of 1830, and declared their intention to him of remaining in Mississippi and taking land there. But this Indian Agent in making out his list known as Ward's Register, placed upon that list the names of just a very few applicants of the whole total of the number of claimants who had come before him within the time limited in article fourteen and as a result of his neglect to make a proper record of all who came before him a good many Indians who had land in Mississippi upon which they had improvements lost both the land and improvements. They were taken from them by the Government and sold. This led to so many complaints on the part of those Choctaw Indians whose lands had been taken away from them and sold that as a result of the complaints Congress, by an Act which was approved March 3, 1837, appointed a Commission which Commission went to the state of Mississippi and heard claimants under article fourteen and made lists of the names of successful claimants under that article. In 1842 another commission was appointed by Congress for the same purpose, and this second commission made a list of the names of successful claimants under article fourteen of that treaty. Do you know whether any of your ancestors ever appeared before either of these two commissions and claimed rights or benefits under article fourteen of that treaty? A No sir.
- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian should appear before it whose claim was allowed and if it also appeared that this claimant's land had been previously taken from him, he should be entitled to select land either in Alabama, Mississippi, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip in those days. Do you know if any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No sir.
- Q Have you any documentary evidence that you wish to present now in support of your application? A No sir.
- Q You mean you have? A Well, I just meant that I didn't have. He has it fixed up.

The affidavit of Elizabeth Johnson presented by applicant, received, filed, marked exhibit "A", and made a part of the record in this case.

Certified copy of the affidavit of F. E. Johnson presented by applicant, received, filed, marked exhibit "B", and made a part of the record in this case.

(7).

The affidavit of D. J. Edwards, presented by applicant, received, filed, marked Exhibit "C", and made a part of the record in this case.

Reasonable time will be allowed this applicant in which to file further documentary proof of this case if he desired. Also to prove the marriage of his father and mother.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q You have a number of relatives who have previously come before this commission haven't you, for identification as Mississippi Choctaws? A Yes sir.
- Q The following people have made application, all claiming through William Edwards, the same ancestor through whom you claim: John L. Miller, Joseph L. Weaver, Mary L. Horton, Della Peaks, Daniel R. Miller, Benjamin F. Miller, Thomas L. Miller, Jess S. Miller, Mary J. Ashlock, David J. Edwards, Cora H. Savage, Annie Fleming, William A. Edwards, and Frank A. Edwards. These are all relatives of yours aren't they? A Yes sir, lots of them is.
- Q Well, they all claim through William Edwards, and must therefore be related to you. A Yes sir.
- Q Now do you want to have their testimony examined with yours that you may get the benefit of what they have testified to? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from White parentage. Has dark brown hair and dark moustache; medium dark complexion. He does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 25, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 4th day of November, 1901.

C. H. Hinebaugh

Notary Public.

COPY.

Muskogee, Indian Territory June 10, 1902.

Jesse J. Edgington,

Mount Joy, Texas.

Dear Sir:-

You are hereby advised that on the 8th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John L. Miller, et al., embracing the following applications for identification of Mississippi Choctaws:

John L. Miller,	M.C.R.	86
Benjamin F. Miller, et al.,	M.C.R.	86
Joseph Lavina Weaver, et al.,	M.C.R.	87
James H. Miller, et al.,	M.C.R.	227
Mary Lee Norton, et al.,	M.C.R.	228
Jess B. Miller,	M.C.R.	230
Della Peck, et al.,	M.C.R.	232
Mary Jane Ashlock, et al.,	M.C.R.	210
Daniel R. Miller, et al.,	M.C.R.	231
David J. Edwards, et al.,	M.C.R.	236
Sora W. Savage, et al.,	M.C.R.	2100
Annie Fleming,	M.C.R.	2627
William A. Edwards, et al.,	M.C.R.	2819
Benjamin A. Edwards,	M.C.R.	2818
Jesse J. Edgington, et al.,	M.C.R.	2824
Albert Caswell Edwards, et al.,	M.C.R.	2038

These applications were made under the provision of the act of Congress of June 28, 1900 (30 Stats. 423) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

J. J. E. #2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John L. Miller, Benjamin F. Miller, Eddie Miller, Tommie Miller, Elijah Miller, Mattie Miller, Sammie Miller, Charlie Miller, Joannie Miller, William Miller, Joseph Lavina Weaver, Benjamin Wesley Weaver, Cora May Weaver, James D. Miller, Richard Floyd Miller, Mary Lee Norton, Luther Dudley Norton, Jess S. Miller, Della Peek, Lula C. Peek, Robert A. Peek, Edna Peek, Dewey R. Peek, Mary Jane Ashlock, Tully O. Ashlock, Minerva J. Ashlock, James Oliver Ashlock, Daniel R. Miller, James Miller, William Miller, Elijah Miller, Mary Miller, Annie Miller, Auba Phillips, Ora Phillips, Annie Belle Phillips, Robert Barbee, David J. Edwards, George H. Edwards, David C. Edwards, Leslie Edwards, Lessie Edwards, Cora H. Savage, Longden J. Savage, Annie Fleming, William A. Edwards, Fletcher Edwards, Clarence Edwards, Lou Mitchell Edwards, Benjamin A. Edwards, Jesse J. Edgington, Minnie Edgington, Rubie Edgington, Mary Edgington, Lewis Edgington, Albert Caswell Edwards, Merida Roshel Edwards and Worthy Anderson Edwards as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

T. B. Needles

Registered.

Commissioner in Charge.

COPY. M. C. N. 3836

Muskogee, Indian Territory, October 14, 1902.

Jesse J. Blington,
Mount Jay, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John L. Miller, et al., of which decision you were advised by registered mail on the 10th day of June, 1902.

Respectfully,

NEB-21

Commissioner in Charge.

MCR-3636

COPY

Muskogee, Indian Territory, January 15, 1907.

Jesse J. Edgington,
Mount Joy, Texas.

Dear sir:-

You are hereby notified that on January 5, 1907, the Secretary of the Interior denied a motion, filed June 20, 1906, by L. D. Horton, for a reopening of the consolidated Mississippi Choctaw case of John L. Miller et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

Wm Bixby

Commissioner.

No. 3836

For Identification as a Mississippi Choctaw.

Date OCT 25 1901

Name Jesse J. Edington
(EDINGTON.)
Age 31 Blood 1/16 —

Post Office, Mount Joy, Texas

Father: Robert Edington, d

Mother: Lizzie Lock d

Claims through mother
wife. Willie Edington, W.
No claim for wife.

Children:

Minnie	..	11
Rubie	..	10 1/2
Mary	..	7
Lewis	..	5

Claims for self and children.

Stenographer Hal Belford

Choctaw MCR 3837

Thomas J. Wheeler

MCR 3837

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the Application of Thomas J. Wheeler,
for identification as a Mississippi Choctaw, M.C.R. 3837.
List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Thomas J. Wheeler.

	Page
Original application of Thomas J. Wheeler before the Dawes Commission for identification as a Mississippi Choctaw.....	1
Decision of the Commission refusing the application of Thomas J. Wheeler for identification as a Mississippi Choctaw.....	6

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 25, 1901.

#3857.

In the matter of the application of Thomas J. Wheeler
for identification as a Mississippi Choctaw.

Applicant represented by J. W. Arnold, Attorney.

Thomas J. Wheeler, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A T. J. Wheeler.
Q What does the "T" stand for? A Thomas.
Q What is your age? A Fifty-one.
Q What is your post office address? A Ravin, I. T.
Q How do you spell that? R-a-v-i-n? A Yes sir, R-a-v-i-n.
Q Where were you born? A North Georgia.
Q Where in North Georgia? A Cass County.
Q When did you leave that State? A Why, I left there in 1865.
Q And went where? A I went from there to Tennessee and from there
to Southern Arkansas.
Q Where did you live in Tennessee? A Chattanooga.
Q And from there you went to Southern Arkansas---where did you live
in Arkansas? A I lived in Jefferson County.
Q How long did you live there? A Something near twenty-eight---I
don't remember just the time.
Q When did you come to the Territory? A I came to the Territory
five years ago.
Q From Arkansas? A No sir, from Texas.
Q Where did you live in Texas? A In Bell County.
Q How long did you live there? A About two years.

(3).

- Q And then you came to the Territory? A Yes sir.
- Q What is your Father's name? A Larkin Wheeler.
- Q L-a-r-k-i-n? A Yes sir, and if I remember correct there was a J in there for a middle name.
- Q Larkin J. Wheeler, is he dead? A Yes sir.
- Q Is your mother living or dead? A She's dead.
- Q She is dead, what was her name? A Charity was the given name. I don't know of any other name.
- Q Through which parent do you claim Choctaw blood? A On my mother's side.
- Q How much Choctaw blood do you claim? A Five-eighth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I know of.
- Q Have you the proof of the marriage of your father and mother? A No sir, I haven't.
- Q Do you know when and where they were married and by whom? A No sir, I don't.
- Q Are you married? A I have been, I am not now. My wife's dead.
- Q Have you children you want to make application for? A No sir.
- Q You just apply for yourself alone? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for enrollment as a Choctaw Indian to the Choctaw Tribal Authorities in the Indian Territory? A No sir, I have not.
- Q Have you ever made application to be enrolled as a citizen of the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted as a citizen of the Choctaw Nation--- A No sir.
- Q Either by the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A I have not.
- Q Is this the first application of any description you have ever made for enrollment as a Choctaw citizen or for membership in it either to the Choctaw Tribal Authorities or to the United States Authorities? A It is.
- Q Do you now seek to be identified as a Mississippi Choctaw under Article XIV of the Treaty of 1830? A I do.
- Q Do you understand Article XIV of the Treaty of 1830? A I do not.
- Q You know what a treaty is? A Why, I think probably I do. It's an agreement entered into.
- Q The Treaty of 1830 was entered into between the United States Government and the Choctaw Tribe of Indians at Dancing Rabbit Creek, in Mississippi, on the twenty-seventh day of September of the year eighteen hundred and thirty, and was made for the purpose of getting all of the Choctaw Indians who lived in that old Choctaw Nation in Mississippi and Alabama to leave that old nation and go to the new Choctaw Nation, Indian Territory. Before the Treaty was signed it became a matter of common report that a great many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order that their interests might be protected under that Treaty Article XIV was inserted into it. Article XIV of the Treaty of 1830 reads as follows:

(3).

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that Article XIV as read to you and explain ed? A I do not know.
- Q What is the name of your ancestor through whom you claim your right to be identified? A My grandfather was named Godard---- John Godard.
- Q G-o-d-d-a-r-d? A I believe that's the way it's spelled, or e-r-d. I don't know whether that last "d" is in there or not. G-o-d-a-r-d is the way it's wrote to me, but whether the man spelled it right or not I do not know.
- Q How much Choctaw blood did he have? A He was one half.
- Q Now how do you know he was one half? A Well, I only know it as it has been told through my people, is all the way I know it.
- Q Your father and mother? A No sir, my brother.
- Q Did he have a Choctaw name? A Why, did grandfather?
- Q Yes, John Godard. A I don't know whether that's a Choctaw name or not.
- Q No, that isn't a Choctaw name. That is an English name. Did he have a name made up from the Choctaw language with Choctaw meaning? A I do not know.
- Q Did he speak the Choctaw language? A I do not know.
- Q Did he live in Mississippi? A I do not know that.
- Q Did any of your ancestors ever live in Mississippi? A Not that I know of.
- Q How do you become the descendent of a Mississippi Choctaw if you don't know whether any of your people lived in Mississippi? A Well, I am not able to understand that.
- Q Did they live, any of them in Alabama? A I don't know whether they lived in Alabama or not. When I was born they was in Georgia.
- Q Did any of them live in the old Choctaw Nation in Mississippi and Alabama? A I couldn't tell.

(4).

- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in the Indian Territory between 1832 and 1836? A Not that I know of.
- Q Did any of them within six months after the ratification of the Treaty of 1830, tell the United States Indian Agent who lived in Mississippi at that time that they intended to stay there and take land in Mississippi? A I do not know.
- Q Did any of them claim any land or receive any under Article XIV of the Treaty of 1830, from the Government as Choctaw Indians? A I know not. I do not know.
- Q Do you know whether any of your Choctaw ancestors held any improvements on land in Mississippi or Alabama in 1830 or any time before that? A I do not know.
- Q Did they claim any land or any benefits under any other Article of the Treaty of 1830 than Article XIV or under the supplement of that Treaty? A I have never known whether they did or not.
- Q Now can you tell anything about whether your ancestors lived in Mississippi or in the old Choctaw Nation in Mississippi or Alabama? A No sir.
- Q According to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the United States Indian Agent who lived in Mississippi in 1830 was instructed by the United States Government to make a list of the names of all Choctaw Indians who came before him and declared their intentions of staying in Mississippi and taking land there within six months after the ratification of the Treaty of 1830; he made a list but it contained the names of only a few of those who had actually made those declarations. That is, all the names were not put upon Ward's register that should have been placed there by him, and as a result of his neglect a great many Indians who held land in Mississippi had their land and the improvements upon it taken from them and sold by the Government. This caused to many complaints and so much distress among the Indians that finally Congress, in 1842, appointed a Commission. This Commission went to the State of Mississippi and heard all the claimants who came before it claiming benefits under Article XIV of that treaty. Another Commission was appointed by Act of Congress for the same purpose in 1842, and they heard all claimants who came before it. Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under Article XIV of the Treaty of Dancing Rabbit Creek? A I don't know.
- Q The Act of Congress approved August 23, 1842, provided that if any claimant came before it and proved his right under Article XIV to benefits in the Choctaw Nation, where it appeared that his land had been previously taken from him by the Government that he should be entitled to select land either in Alabama, Mississippi, Louisiana or Arkansas and that a certificate should be given to him to that effect. These certificates were called scrip. Do you know if any of your ancestors received any such scrip from the Government? A I do not.
- Q Have you any documentary evidence with you now that you want to file? A No sir.
- Q Do you want time in which to present it. A Yes sir.

(5).

Reasonable time will be allowed this applicant in which to present documentary evidence or any other proper evidence in support of his application. Also proof of the marriage of his father and mother.

- Q Do you understand or speak the Cheetaw language? A I do not.
Q Is there anything further you want to say in support of this claim? A No sir.
Q Have you any relatives that have previously made application here for identification? A No, none that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium fair complexion, light brown moustaches, brown hair, brown eyes. He does not understand the Cheetaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause, on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 7 day of November, 1901

Clara Mitchell

Notary Public

OFF
CIV

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Thomas J. Wheeler
for identification as a Mississippi Choctaw, M.C.R. 3837.

--- D E C I S I O N : ---

It appears from the record herein that an application for
identification as a Mississippi Choctaw was made to this Commission
by Thomas J. Wheeler for himself under the following provision of
the act of Congress approved June 22, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation conclud-
ed September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses,
and perform all other acts necessary thereto and make
report to the Secretary of the Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descendant
and of John Goddard (or Godard), who is alleged to have been
an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Goddard (or Godard), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas J. Wheeler as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application

for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) Tams Bixby.
acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 31 1902

COPY.

Muskogee, Indian Territory, October 31, 1903.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 31st day of October, 1903. the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas J. Wheeler, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1902, (30 Stat., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas J. Wheeler as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

H. M. & C. ---2.

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Very truly,

Tamie L. Lacey

Acting Chairman.

M. T. R. 537.

COPY.

Muskogee, Indian Territory, October 31, 1902.

Thomas J. Wheeler,

Navia, Indian Territory.

Dear Sir:-

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes has made a decision in the case of Thomas J. Wheeler, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 195) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas J. Wheeler as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

T. J. W. ---2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Dixby.
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Thomas J. Wheeler, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 31, 1902.

The Commission has the honor to report that the applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

J. B. [unclear]
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. H.C.R. 3837

-:- COPY -:-

Land.
69869-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Dec. 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report made November 17, 1903, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Thomas J. Wheeler for identification as a Mississippi Choctaw claiming rights under the 14th article of the Choctaw treaty of 1830.

October 31, 1903, the Commission held that the applicant was not entitled to identification. Descent is claimed from John Godard (or Goddard) through Charity Godard (or Goddard) (nee Wheeler), his daughter, it being claimed that John Godard (or Goddard) was a member of the Choctaw tribe of Indians in Mississippi in 1830, and complied or attempted to comply with Article 14 of the treaty.

The applicant is not a full-blood Choctaw Indian. A careful search of the records of this office fails to show that John Godard (or Goddard) received a patent for land under the provisions of Article 14 of the treaty of 1830, or complied or attempted to comply with the provisions thereof; neither does it appear that he

applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights, if he had any, as a Choctaw Indian,

It is therefore respectfully recommended that the decision of the Commission rejecting the application be approved.

Very respectfully,

W. A. Jones,

Commissioner.

C.T.C.

L.

D.C.790

ITD.7055-1902.

L.R.S.

-1- COPY -1-

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

EAF.

January 7, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification of Thomas J. Wheeler as a Mississippi Choctaw Indian, who claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, the reason of being descendant of one John Goddard (or Godard, who is alleged to have been a one-half blood Choctaw Indian.

As stated in your decision of October 31, 1902, denying the application, the record fails to show that the applicant was ever duly admitted or enrolled as a citizen of the Choctaw Nation or that said John Goddard, or a less remote ancestor of the applicant, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837, (5 Stat., 180), and August 23, 1842 (5 Stat., 515).

Forwarding the papers December 19, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully reviewed the whole record in the case and hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY H.C.R. 3837

Muskogee, Indian Territory, January 16, 1903.

Thomas J. Wheeler,

Avia, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge

M.C.R. 3537

COPY.

Muskogee, Indian Territory, January 16, 1903.

Monsfield, McMurtry & Cornish,

Attorneys for the Cheate and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification of Thomas J. Wheeler, of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

(Signed)

T. B. Needles.

Commissioner in charge.

No. 3837

For Identification as a Mississippi Choctaw.

Date OCT 25 1901

Name Thomas J. Wheeler,

Age 51 Blood 5/8

Post Office, Ravia, D. T.

Father: Larkin Wheeler, d

Mother: Charity " d

Claims through mother

~~Children:~~

Claims for sep
alone

Stenographer H. A. Breaux

Choctaw MCR 3838

Samantha J. Clawson

See MCR 3839, 3840, 3841
3961, 5540

MCR 3838

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samantha J. Clawson, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Samantha J. Clawson et al.,	M C R 3838
Pattie Sloan, et al.,	M C R 3839
James W. Hall,	M C R 3861
Katie Roberts,	M C R 3840
John Hall,	M C R 3841
Mary S. Hall,	M C R 3840

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Samantha J. Clawson, et al.

Page.

Original application of Samantha J. Clawson, et al., to the Dawes Commission for identification as Mississippi Choctaws - -	1
Original application of Pattie Sloan, et al., to the Dawes Commission for identification as Mississippi Choctaws - - - -	7
Original application of James W. Hall to the Dawes Commission for identification as a Mississippi Choctaw - - - -	12
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Original application of John Hall to the Dawes Commission for identification as a Mississippi Choctaw - - - - -	22
Original application of Mary S. Hall to the Dawes Commission for identification as a Mississippi Choctaw - - - - -	22
Decision of the Commission denying the applications of Samantha J. Clawson, et al., Pattie Sloan, et al., James W. Hall, Katie Roberts, John Hall, and Mary S. Hall, for identification as Mississippi Choctaws - - - - -	23

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 25, 1901.

#3223.

In the matter of the application of Samantha J. Clawson, for the identification of herself and her minor child, Willie Clawson, as Mississippi Choctaws.

Applicant not represented by Attorney.

Samantha J. Clawson, being first duly sworn upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A S. J. Clawson.
Q What? A S. J. Clawson.
Q What does that "S" stand for? A Mrs. S. J. Clawson.
Q Well, what does the "S" stand for? A Samantha.
Q J.? A Yes sir.
Q S-J A C-l-a-w-s-o-n.
Q What is your post office address? A Sherman, Texas.
Q What is your age? A Forty-eight---sixty---Fifty-eight.
Q What is your post office address? A Sherman.
Q How long have you lived in Sherman? A In Sherman?
Q Yes? A Ten years.
Q Where did you live before that? A I lived in Montague County.
Q Texas? A Yes sir.
Q Where were you born? A I was born in Burlington, Iowa.
Q Iowa? A Iowa.
Q How long did you live in Iowa? A In Iowa? Twelve years.
Q And then from there you went where? A To Texas.

(2).

- Q And have lived there since in different parts? A Yes sir.
- Q What is your father's name? A My father's name? John Dyer.
- Q What? A John Dyer.
- Q D-y-e-r? A D-y-e-r.
- Q Is he living? A No sir.
- Q Is your mother living? A No sir.
- Q What was her name? A Her maiden name?
- Q No. A Her name was Louisa Dyer.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much do you claim? A Well, I couldn't tell you that. Our mother was said to be a half-breed.
- Q Is that a matter of family history? A Yes sir.
- Q Well, if she were a half-breed you would be one-half of that wouldn't you? If she was one-half Choctaw you would be half of that; that would be one-fourth. You don't claim Indian through your father? A No sir, not that I know of.
- Q Well, if she were one-half Choctaw you would be one-half of what she would be which would be one-fourth. Is that right? A That's as near as I can get at it.
- Q You think one-fourth do you? A Well, I couldn't tell you exactly how it would be.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities? A No. Well I never heard whether he was or not.
- Q Have you proof of the marriage of your father and mother? A Yes sir.
- Q You have the proof here have you? A I haven't here, no.
- Q When and where were they married? A They were----I couldn't tell you. I think they were married though in Iowa. I am not sure. We got our record destroyed, but we had it.
- Q Are you married? A Yes sir.
- Q Husband living? A Yes sir, I have my second husband.
- Q Have you any children you want to make application for to-day? I mean any minors under twenty-one. A Yes sir, I have one that's a minor.
- Q One minor? A Nineteen years old.
- Q I want now, the father of that minor? A William Clawson.
- Q Is he a Choctaw Indian? A Mr. Clawson?
- Q Yes, is he a whiteman? A I don't know. If he's an Indian I don't know it.
- Q You don't mean he's an Indian is he? A No, I don't know.
- Q He is probably a whiteman isn't he? A Supposed to be. He's a very dark man.
- Q Well, I mean he's a caucasian? A Yes.
- Q When and where were you married to him? A I was married to him in Whitemound.
- Q Whitemound, Texas? A Yes sir.
- Q At what time? A Twenty years ago.
- Q How? A About twenty years ago.
- Q Do you remember the exact date? A Nineteenth day of May----that's as far as I know. I can't remember the other.
- Q Have you any children under twenty-one years of age of whom he is the father? A That he is the father. No sir, not except this boy.
- Q What is his name? A Willie Clawson.
- Q Well, isn't it William Clawson? A No, its Willie. His name's Willie and his father's name William.

(3).

- Q How old is he? A He's eighteen.
- Q This William Clawson is his father? A Yes sir.
- Q Is that all the minor children you have? A That's all I have.
- Q Were you married previous to your marriage with William Clawson? A Yes sir.
- Q What was your first husband's name? A Hall----Patrick A. Hall.
- Q Patrick A. Hall? A Yes sir.
- Q When and where were you and your first husband married? A We was married in Kentuckytown.
- Q Do you remember the date? A Eighteen sixty, I think.
- Q Have you children of whom he was the father who are of age now? A Yes sir, I have all these here.
- Q He is the father of all these children who are of age? A Yes sir, he is the father of five children.
- Q You claim now for yourself and this minor boy? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir, not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your son----? A Never did.
- Q To the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship or enrollment as a Choctaw Indian for yourself and your son, to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted, or your son either, to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made of any kind for yourself and your son for enrollment as Choctaw citizens either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now seek to identify yourself and your son as Mississippi Choctaws, claiming an interest in the lands in the Choctaw Nation under Article XIV of the Treaty of 1830? A Yes sir.
- Q You claim under that do you? A Yes sir.
- Q Do you understand Article XIV of that treaty A Well, pretty much so.
- Q You have heard it explained several times to-day have you? A Yes sir.
- Q And heard it read? A Yes sir.
- Q Now do you want it explained further. I can explain it further. A Well no, it isn't necessary. I heard you read it.
- Q You think you understand it do you? A Yes sir, I think I do.
- Q Well, I will just read it without an explanation in order that it may go in as a part of your record? Article XIV of the Treaty of 1830 reads:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation

(4).

of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Can you say whether any of your ancestors ever complied or attempted to comply with any of these provisions of Article XIV of the Treaty of 1830? A None that I ever knew of.
- Q What is the name of your ancestor through whom you claim your right to be identified now? A My grandmother. Dorcas Nichols.
- Q N-i-c-h-o-l-s? A Yes sir. and my mother, Louisa Nichols.
- Q You don't go back farther than Dorcas Nichols? A No, that's as far back as I know.
- Q Did she live in Mississippi in 1830? A She lived in Mississippi, I couldn't tell you the date. My mother has often told me about living there.
- Q Do you know whether she was the head of a family, that is if she had a family of children there in Mississippi? A My grandmother? Yes? A She only had my mother.
- Q Do you know when your mother was born? A No sir.
- Q Or where? A In Mississippi. I think she was born in Mississippi.
- Q Do you know when? A I remember of her speaking of living there when she was quite a child with the Indians.
- Q Your mother has been dead how long? A About six or seven years.
- Q How old was she when she died? A About sixty.
- Q And you think she was born in Mississippi? A I think she was. I am not sure. We did have the record of it all but in moving around from Kentuckytown to Sherman we left our old record there and the people destroyed it and the record of the ancestry away back.
- Q Well, didn't you ever hear anybody say in the family whether or not your mother was born in Mississippi and lived there? A I only heard her speak of living there.
- Q Was she born there. Did you ever hear her say she was born there? A Don't remember of hearing it.
- Q Do you know when Dorcas Nichols was born? A No sir.
- Q When she died? A Well she died about four years before my mother did.
- Q How old was she when she died? A I think she was nearly seventy years old, not quite. I don't know, when she died.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know whether they did or not.

(5).

- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't suppose they ever did.
- Q Did any of them within six months after the ratification of the Treaty of 1830, tell the United States Indian Agent, Colonel Ward that they intended to stay in Mississippi and take land there? A No sir.
- Q Did any of your Choctaw ancestors to your knowledge own any land in Mississippi which they received from the Government of the United States under Article XIV of the Treaty of 1830? A No sir.
- Q Did any of them claim any land or benefits under any other article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? A I don't know that they did.
- Q The Government of the United States, after the treaty of 1830 was ratified and Article XIV had become operative, instructed the United States Indian Agent, Colonel Ward, who lived in Mississippi in 1830, to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of that Treaty of 1830, and declared their intentions to become citizens of the United States and to live in Mississippi and take land there. Colonel Ward neglected to do this. He made a list called Ward's Register, but that list contains only a fractional part of the whole number of Indians who did go before him and make those declarations as required in Article XIV. This neglect on the part of the United States Indian Agent to make a full list caused a great many Indians who had land in Mississippi and Alabama to lose the land. It was taken from them by the Government and sold. This caused a great deal of distress among them, so that in 1837 because of the complaints that were made Congress appointed a Commission to go to the State of Mississippi and hear claimants under Article XIV of the Treaty of 1830. This Commission did so and made lists of the names of successful claimants under that Article. In 1842 another Commission was appointed by Congress by an Act approved August 23, of that year, and that Commission made lists of the names of successful claimants under Article XIV of that Treaty. Did any of your Choctaw ancestors go before either of those Commissions, that of 1837 or the Commission of 1842 and claim benefits under Article XIV, do you know? A No sir.
- Q The Act of Congress approved August 23, 1842 provided that if a Choctaw citizen, or a Choctaw claimant, went before the Commission of 1842 and proved his claim and if it also appeared that he had previously had his land taken from him by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate should be given to him to that effect. These certificates at that time were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A No sir.
- Q Have you any documents of any kind, any affidavits or any documentary evidence of any sort that you want to present now in support of this application that you are making for yourself and this child? Any papers of any kind? A No sir, nothing of that kind.
- Q Do you want time in which to file such evidence or testimony? A Yes sir.

(6).

Reasonable time will be allowed you in which to file additional testimony if you desire and also documentary evidence in support of this application.

- Q You don't speak Choctaw, I guess? A My mother did. She used to count and talk Indian to us and she told us all about the Indians when we were children, and she lived with them and was always called an Indian.
- Q But you don't understand the Choctaw language yourself? A No sir
- Q Have you any relatives that have previously made application here for identification? A If they have I don't know it.

This applicant has the appearance and physical characteristics of being descended from white parentage. Black eyes, medium dark complexion, dark hair. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the XIV Article of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, on October 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 17 day of December, 1901.

Hal Belford
Clara Mitchell Wood

Notary Public.

*Sub
C.V.W.*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samantha J. Clawson, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Samantha J. Clawson, et al.,	H C R 3838
Fattie Slean, et al.,	H C R 3839
James W. Hall,	H C R 3841
Fattie Roberts,	H C R 3840
John Hall,	H C R 3842
Mary S. Hall,	H C R 3843

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Samantha J. Clawson for herself and her minor child, Willie Clawson; by Fattie Slean for herself and her minor child, Patrick Jefferson Slean; by James W. Hall for himself; by Fattie Roberts for herself; by John Hall for himself; and by Mary S. Hall for herself, under the following provision of the act of Congress approved June 22, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Boreas Nichols, who is alleged to have been a full-blood Choctaw Indian.

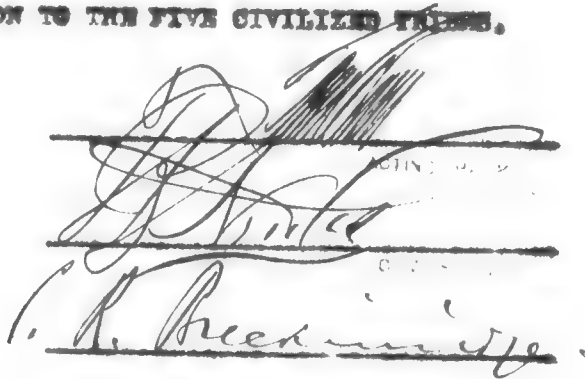
It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provision of the act of Congress approved June 10, 1896, (29 Stats., 821).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Boreas Nichols, or ancestors less remote, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said

article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samantha J. Clawson, Willie Clawson, Pattie Slean, Patrick Jefferson Slean, James W. Hall, Katie Roberts, John Hall, and Mary S. Hall, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

The block contains two handwritten signatures. The top signature is a large, stylized cursive signature, possibly reading 'J. H. Smith'. Below it is another signature, which appears to be 'P. R. Beckwith'. Both signatures are written over horizontal lines.

Muskogee, Indian Territory,

JUL 21 1902

COPY.

N O R 3838

Mustagee, Indian Territory, July 21, 1902.

Samantha J. Clawson,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 21st day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samantha J. Clawson, et al., embracing the following applications for identification as Chickasaw Choctaw:

Samantha J. Clawson, et al.,	N O R 3838
Fattie Glenn, et al.,	N O R 3839
James W. Hall,	N O R 3841
Katie Roberts,	N O R 3840
John Hall,	N O R 3841
Mary S. Hall,	N O R 3840

These applications were made under the provision of the act of Congress of June 20, 1898, (30 Stats., 485) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

S J C-----2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan-- the J. Clawson, Willie Clawson, Pattie Sloan, Patrick Jefferson Sloan, James W. Hall, Katie Roberts, John Hall, and Mary S. Hall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

I. D. Needles.

Commissioner in Charge.

Registered.

COPY.

N O R 3838.

Washington, Indian Territory, July 31, 1902.

The Honorable,

The Secretary of the Interior.

SIR:

There is transmitted herewith the record in the consolidated case of Samantha J. Clawson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 31st, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Samantha J. Clawson, et al.,	N O R 3838
Pattie Sloan, et al.,	N O R 3839
James W. Hall,	N O R 3861
Katie Roberts,	N O R 3840
John Hall,	N O R 3841
Mary S. Hall,	N O R 3840

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by

Secretary of the Interior-----

letter of the action of the Commission, copies of said letters
being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner of
Indian Affairs.

1 enclosure.

COPY.

M C R 3232

Muskogee, Indian Territory, July 21, 1902.

Messrs Mansfield, Motturray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South Hialester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the Consolidated case of Samantha J. Clawson, et al., embracing the following applications for identification as Missions Choctaws:

Samantha J. Clawson, et al.,	M C R 3232
Pattie Sloan, et al.,	M C R 3233
James W. Hall,	M C R 3234
Katie Roberts,	M C R 3235
John Hall,	M C R 3236
Mary S. Hall,	M C R 3237

These applications were made under the provision of the act of Congress of June 20, 1902, (32 Stat., 400) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

W. H. H. & Co. — 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of ~~Sagan-~~ the J. Clawson, Willie Clawson, Pattie Sloan, Patrick Jefferson Sloan, James W. Hall, Katie Roberts, John Hall, and Mary S. Hall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Neecies.

Commissioner in Charge.

D.C. 3963

C O P Y

J.W.H.

ITD. 402-1903.

Department of the Interior.
Washington.

February 6, 1903
RAF.

LRS

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

July 21, 1902, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws of Samantha J. Clawson and her minor child Willie Clawson; of Pattie Sloan and her minor child Patrick Jefferson Sloan; of James W. Hall; of Katie Roberts; of John Hall, and of Mary S. Hall.

The applicants claim rights in Choctaw lands by reason of being descendants of one Dorcas Nichols, who is alleged to have been a full blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Dorcas Nichols, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the applications July 21, 1902.

Forwarding the papers January 14, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully considered the whole record in this case and hereby affirms your decision.

Respectfully,

1 inclosures.

THOS. RYAN,
Acting Secretary.

Land
43,980-1902.

C O P Y.

Department of the Interior,
Office of Indian Affairs.
Washington, Jan. 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the consolidated application of Samantha J. Clawson for herself and her minor child, Willie Clawson; by Pattie Sloan for herself and her minor child, Patrick Jefferson Sloan; by James W. Hall for himself; by Katie Roberts for herself; by John Hall for himself and by Mary E. Hall for herself as Mississippi Choctaws.

On July 21, 1902, the commission decided that the evidence submitted by the applicants was insufficient to identify them as Mississippi Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830.

An examination of the record evidence shows that the applicants are not of the full blood and further shows that they are the descendants of Louisa Dyer, and through her of their grandmother Dorcas Nichols, through whom they claim.

The office records have been examined and nowhere show that any person by the name of Dorcas Nichols ever complied with the provisions of the 14th article of said treaty or received a patent for land thereunder.

The record evidence in no way supports the claims of the applicants and the office therefore considers that the decision of the commission herein should be affirmed, and so recommends to the Department.

(W.C.B.)
P.

Very respectfully, W.A. Jones, Commissioner.

COPY.

Muskogee, Indian Territory, February 20, 1903.

Samantha J. Clawson,

Sherman, Texas.

Dear Madam:

You are hereby notified that on the 6th day of February 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samantha J. Clawson, et al., of which decision you were advised by registered mail on the 21st day of July 1902.

Respectfully,

(SIGNED).

Tamc Bixby.
Acting Chairman.

.C.R. 3838

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samantha J. Clawson et al., of which decision you were advised by mail on the 21st day of July, 1902.

Respectfully,

(SIGNED)

James D. Carter

Chairman

Consolidated Case
of
Samantha J. Clawson
et al.

REFER TO M. C. R. 3838

Dorcas Nichols

Louisa Nichols

(or Low)

married

John Dyer

(m William Dyer) (dead)
or Dier

mer
3836

Samantha J. Dyer 58/2

married

(1) Patrick A. Hall
(dead)

(2) William Clawson
- 10 -

W 12
3838

Willie Clawson 19

mer
3839

Pattie Hall 38/2

married

Augustus Sloan
d4

mer
3841

Patrick Jefferson Sloan
19

mer
5540

Katie Hall 27/1/2 or 1/2

married

John Roberts - w -

mer
3961

James W. Hall 29/1/6

married

Mary M. Hall - w -

mer
3962

John Hall 25/2

mer
3963

Mary S. Hall 23/2

Dorcas Nichols

Louisa Nichols

(or Lou)

married

John Dyer

(or William Dyer)
or Dier

- dead -

Marion Dyer

Will Dyer

Mary Dyer
married
Wm Dyer

Hattie Dyer
married

Tommy Savag

John Dyer

Ara Dyer

married
Egbert Brown

Joe Dyer

Dorcas "

Bettie "

Prudie "

Georgia "

John "

Ben "

Tom "

Grace "

Bertie Savag 23 or 24

Vernon " 21

Clem " 19

Ruby "

Don Dyer 19 or 20

Della " —

Jessie " —

Gertie Brown 14 or 15

Myrtle " 16

No. 3838

For Identification as a Mississippi Choctaw.

Date OCT 25 1901

Name Samantha J. Clawson.

Age ~~58~~ 58 Blood ~~do not know~~

Post Office, Sherman, Texas.

Father: John Dyer, d

Mother: Lornia d

Claims through Mother —
Husband

William Clawson, W.

Children:

Willie Clawson 18

Claims for self
and child

Stenographer

Hal Belford

Choctaw MCR 3839

Pattie Sloan

See MCR 3838

MCR 3839

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 25, 1901.

#3839.

In the matter of the application of Fattie Sloan for
the identification of herself and her minor child, Patrick J. Sloan
as Mississippi Choctaw.

Applicant not represented by Attorney.

Fattie Sloan, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Fattie Sloan--F-a-t-t-i-e S-l-o-a-n.
Q What is your age? A Thirty-eight.
Q What is your post office address? A Sherman, Texas.
Q Sherman? A Yes sir.
Q How long have you lived at Sherman? A Off and on, twenty years.
Q Where were you born? A Kentuckytown, Texas.
Q You have always lived in Texas, then? A Yes.
Q What was your father's name? A Patrick A. Hall.
Q He is dead, is he? A Yes.
Q What is your mother's name? A Samantha J. Clanton.
Q She has just appeared for identification has she, just before you?
A Yes sir.
Q You claim your Choctaw blood runs through you, do you not? A I do.
Q How much Choctaw blood do you claim? A I do not know.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians by either the Choctaw

(2).

- Tribal Authorities or the United States Authorities in the Territory? A I do not know.
- Q When and where were your father and mother married? A In Kentuckytown, Texas.
- Q Do you remember the date? A I guess not.
- Q You never heard? A No.
- Q Can you get the proof of their marriage? A I think it can be furnished.
- Q Well, you will have time in which to do so-----reasonable time. You are not married now? A A widow.
- Q Have you children that you want to make application for? A I have one boy.
- Q What is the name of your husband? A Augustus Slean.
- Q He was not an Indian? A No.
- Q How this child's name if you please? A Patrick Jefferson Slean.
- Q How old is he? A Nineteen.
- Q You claim for yourself and this son do you not? A Certainly.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Territory? A Not to my knowledge.
- Q Or his? A No.
- Q Did you ever make application to the Choctaw Tribal Authorities for citizenship for yourself or son in the Choctaw Nation? A Never did.
- Q Did you ever appear before the Daves Commission under the Act of Congress of June 10, 1896, and try to become enrolled, either for yourself or your son? A I did not.
- Q Is your name now on any roll as a citizen of the Choctaw Nation or is the name of your child, placed there by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Not to my knowledge.
- Q This is the first application then for citizenship you ever made for yourself and son? A Yes.
- Q Do you now come before the Commission for the purpose of being identified and for the purpose of his identification as Mississippi Choctaws claiming an interest in the lands in the Choctaw Nation, Indian Territory under Article XIV of the Treaty of 1830? A Yes.
- Q Do you understand that article pretty well? A I think so.
- Q You have heard it explained how many times to-day? A Three times I believe.
- Q Do you want it explained some more? A I don't believe it's necessary.
- Q Well then, without explaining it further if you think you understand it thoroughly, I will just read it in order that it may make part of your record. Article XIV reads as follows.

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation

(3).

of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors ever complied or tried to comply with any of the provisions of this Article XIV as read to you? A I do not know.
- Q What was the name of your ancestor who lived in Mississippi through whom you claim your right to be identified? A Do roas Nichols.
- Q Do you know when she was born? A I do not.
- Q Or where? A I do not.
- Q Do you know when and where she died? A She died in Kentuckytown Texas.
- Q She used to live you say in Mississippi? A Yes sir.
- Q How old was she when she died? A I don't know. She was pretty old.
- Q Over seventy do you think? A I think so.
- Q What? A I think so.
- Q When did she die? A I don't know that, either.
- Q Have you any idea from what you have heard in the family that she lived in Mississippi in 1830? A Yes sir, I have that idea.
- Q Was she old enough at that time to have children, that is to be the head of a family? A Yes.
- Q Do you know whether or not as a matter of fact she was the head of a family in Mississippi at that time-----in 1830? A No, I couldn't say.
- Q Do you know what her father's name was or her mother's name? A No.
- Q Do you know through which parent she got her Choctaw blood? A No.
- Q Did she speak the Choctaw language? A I don't know.
- Q You have heard your mother say so? A Yes sir.
- Q You knew then that she says so? A Yes sir.
- Q She would be more apt to know about it than you wouldn't she? A Yes, she knows more about it. I can't tell you anything about that.
- Q Did she have an Indian name-----Dereas? A I don't know what her Indian name was.
- Q Well, you know the Choctaws have a distinct language don't you? A Yes, I know that. All the name I knew of her was Dereas.
- Q Dereas is an English name. Nichols is an English name; but if

(4).

she had an Indian name it would be made up of words and syllables in the Choctaw language all of which would mean something. For instance the termination of most Choctaw names is "ubbe". That means hunter or to kill, and the female names have terminations which indicate some domestic quality. You don't know that she ever had any such name? Never heard that she did? A No, I don't know.

- Q That was your own grandmother? A My own grandmother.
- Q Was your mother ever in Mississippi? A No.
- Q Did she ever live in Mississippi? A No.
- Q She was born where? A Iowa.
- Q Can you give the name of any other ancestors except your grandmother, Dorcas Nichols, who lived in Mississippi? A I can not.
- Q Did she or any of your ancestors ever own any improvements on land in Mississippi or Alabama in 1830? A I can't say.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi and take land there? A Not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors ever own any land in Mississippi which they received from the Government of the United States under Article XIV of that Treaty? A I don't know.
- Q Did they ever receive any land or claim any or any benefits whatever under any other article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? A I don't know that.
- Q You understand what a supplement of a treaty is, do you? A I do.
- Q The Provisions of Article XIV of the Treaty of 1830 were so that if any Choctaw Indian wanted to stay in Mississippi instead of going to the Indian Territory with the other Indians under that Treaty, they were obliged to go to the United States Indian Agent within six months after the ratification of that Treaty and tell him that they wanted to stay in Mississippi, didn't want to go to the Territory, that they wanted to take land in Mississippi, wanted to live upon it, and wanted to become citizens of the United States. They must do this within six months after the ratification of the treaty, and the Government required that the United States Indian Agent, should record the names of those Indians who did so. For some reason, known to him and to no one else, the United States Indian Agent failed to do this. He made a list now known as Ward's Register, which contains the names of less than one hundred Indians, who did make those declarations under Article XIV, whereas there were probably two or three thousand who went to him whose names were not recorded by him. This negligence on his part caused great distress among the Indians because a good many of them who had made those declarations before Colonel Ward, within the time limited by Article XIV, went out and selected land in Mississippi and then were dispossessed of that land by the Government, and the land was sold together with improvements. This caused so many complaints among the Choctaw Indians that in 1837, Congress appointed a Commission which Commission went to the State of Mississippi and heard these claimants under Article XIV and made lists of the names of successful claimants under that Article. And in 1842 another Commission was appointed by Congress and this Commission also heard claimants under Article XIV and made lists of the names of successful claimants. Do you know

(5).

whether any of your Choctaw ancestors went before either of those Commissions, and claimed benefits under Article XIV of that Treaty
A I do not know.

- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw citizen proved his claim before that Commission, if it was shown that previously to that application his land had been taken from him, that he should be entitled to select land either in Arkansas, Mississippi, Louisiana or Alabama to be taken from the vacant government land, and that a certificate should be issued to him to that effect. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government? A I can't say.
- Q Have you any documentary evidence or any affidavits any thing in writing that you want to present now in support of this claim?
A Not with me.
- Q Would you like time? A Yes.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of her application and the application she makes for her self and her minor son. Also proof of the marriage between her father and her mother.

- Q Do you speak or understand the Choctaw language? A I do not.
- Q Is there anything more you would like to say in support of this claim? A No.

This applicant has the appearance and physical characteristics of being descended from White parentage, except that she has dark complexion, black eyes, dark hair, which may be, as she states, indicative of Choctaw blood. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

W. B. Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 7th day of December, 1901.

W. B. Belford
W. B. Belford

Notary Public.

COPY.

M C R 3330

Washknee, Indian Territory, July 31, 1908.

Pattie Sleen,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 31st day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samantha J. Clawson, et al., embracing the following applications for identification as Mississippi Choctaws:

Samantha J. Clawson, et al.,	M C R 3332
Pattie Sleen, et al.,	M C R 3339
James W. Hall,	M C R 3361
Katie Roberts,	M C R 3360
John Hall,	M C R 3361
Mary S. Hall,	M C R 3360

These applications were made under the provision of the act of Congress of June 26, 1896, (29 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

P 2-1-19

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samantha J. Glawson, Willie Glawson, Pattie Glawson, Patrick Jefferson Glawson, James W. Hall, Katie Roberts, John Hall, and Mary S. Hall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. E. Needles.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 5839

Muskogee, Indian Territory, February 21, 1903.

Pattie Glenn,

Sherman, Texas.

Dear Madam:

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samantha J. Clawson, et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

Tame Diney.

Acting Chairman

No. 3839

For Identification as a Mississippi Choctaw.

Date OCT 25 1901

Name *Pattie Sloan*

Age 38 — Blood desc't from:

Post Office, *Sherman, Texas,*

Father: *Patrick A. Hall, d*

Mother *Amanda J. Clawson, d*

Claims through *mother.*
Husband

Augustus Sloan (d W.)

Children:

Patrick J. Sloan, 19

*Claims for self
and son*

Signature: Hal. Belford

Choctaw MCR 3840

Mary S. Hall

See MCR 3838

MCR 3840

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, Indian Territory, October 25, 1901.

#1840.

In the matter of the application of Mary S. Hall for
identification as a Mississippi Cheatar.

Applicant not represented by Attorney.

Mary S. Hall, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary S. Hall.
Q Mary Hall? A Yes sir.
Q Your age is what? A Twenty-three.
Q What? A Twenty-three.
Q What is your post office address? A Sherman, Texas.
Q How long have you lived at Sherman? A About twelve years.
Q Where did you live before that? A Ten miles below.
Q In what County? A Grayson County.
Q Did you always live in Grayson County, Texas? A Yes sir.
Q Born there? A Yes sir.
Q Your father's name is what? A Patrick A. Hall.
Q He is not living now, is he? A No sir.
Q Your mother's name is Samantha J. Blanton is it not? A Yes sir.
Q She is living? A Yes sir.
Q She made application for identification today, did she not, October 25? A Yes sir.
Q Through which parent do you claim Cheatar blood? A My grand-mother.

(2).

- Q You claim through your mother don't you first? A Yes sir.
- Q How much Choctaw blood do you claim? A Well, I don't know.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
- Q Have you the proof of the marriage of your father and mother with you? A No sir.
- Q You will be allowed reasonable time in which to present it. Are you married? A No sir.
- Q What? A No sir.
- Q You make application just for yourself do you? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted as a member of the Choctaw Nation by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application you ever made for enrollment as a Choctaw citizen to any authority? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw, claiming an interest in the lands in the Choctaw Nation, Indian Territory, under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that Article of that Treaty? A Yes sir, I think I do.
- Q You have heard it read a number of times haven't you? A Yes sir.
- Q Heard it read and explained haven't you? A Yes sir.
- Q Now wouldn't you like to hear it read and explained once more? A Yes.
- Q Article XIV of the Treaty of 1830 was put into that Treaty to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama instead of going to the new Choctaw Nation with the other Indians between 1833 and 1838 and afterwards. The Treaty of 1830 was made to get all of the Choctaws out of that old Choctaw Nation east of the Mississippi River to the new Choctaw Nation west of it, but before it was ratified, before it was signed in fact, it became evident that a good many Indians would stay back there in the old Choctaw Nation, so this Article was put in there for their especial benefit, to protect their rights. Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation

(3).

of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now don't you? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that Article of the Treaty of 1830 as read to you? A No sir.
- Q What is the name of your ancestor who lived in Mississippi through whom you claim your right to be identified now as a Mississippi Choctaw? A Dorcas Nichols.
- Q What relation was she to you? A She was my grandmother.
- Q That is your mother? A Yes sir.
- Q She was your great-grandmother, then? A Yes sir.
- Q You claim through your mother? A Yes sir.
- Q She claims through her mother, don't she? A Yes sir.
- Q What was her mother's name? A Louisa Dyer.
- Q And her mother's name was what? A Dorcas Nichols.
- Q How much Choctaw blood did Dorcas Nichols have, do you know? A No sir.
- Q Did you ever hear? A No sir.
- Q Where was she born, in Mississippi? Think she was born in Mississippi? A I don't know.
- Q Where did she die? A In Kentuckytown.
- Q Texas? A Yes sir.
- Q Did her daughter ever live in Mississippi? A Yes sir.
- Q Do you know when or where? A No sir.
- Q She is dead now isn't she? A Yes sir.
- Q Do you know when she died? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A I don't know.
- Q Did any of them go from Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent and tell him, within six months after the ratification of the Treaty of 1830, that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under Article XIV of the Treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors claim any land or receive any

(4).

- under any other article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? A No sir.
- Q The Government required the United States Indian Agent to make a list of the names of all claimants who came before him pursuant to the provisions of Article XIV of the Treaty of 1830, and told him that they wanted to stay in Mississippi, take land there, and become citizens of the United States. He made a list of the names of people who did that-----went before him, when he made his register known as Ward's Register, but it contains but the names of very few of all who did appear before him pursuant to the provisions of Article XIV. This United States Indian Agent's failure to make a full and complete list of all claimants who came before him under Article XIV of that Treaty, caused the land to be taken from a good many Indians who held it in Mississippi and Alabama, upon which they had improvements. The land was taken from them and sold at public land sales of the Government. This caused distress among the Indians and so many complaints were made that in 1837 Congress appointed a Commission, and this Commission went to the state of Mississippi and heard claimants under Article XIV of that Treaty, and made lists of the names of successful claimants. In 1842 another Commission was appointed by Congress, and they also heard claimants under Article XIV of that Treaty. Do you know whether any of your ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed benefits under Article XIV of that Treaty? A No sir.
- Q The Act of Congress approved August 23, 1842, provided in the event of a claimant proving his claim, if his land had been previously taken from him by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate or scrip should be issued to him to that effect. Do you know whether any of your ancestors received any such scrip from the Government of the United States as Choctaw Indians? A No sir.
- Q Have you any documentary evidence you want to introduce now? A No sir.
- Q Is there anything more you want to say about your claim? A No sir.
- Q Your mother has appeared here for identification has she not today? A Yes sir.
- Q Samantha J. Clawson, and your sister Pattie Sloan? A Yes sir.
- Q Do you want to have their cases considered with yours when yours is considered in order that you may get the benefit of what they have testified to? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Black eyes, medium dark complexion, dark hair. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

(15).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 25, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 7 day of December, 1901.

Clara M. Wood

Notary Public.

COPY

N O R 3040

Managers, Indian Territory, July 31, 1903.

Mary S. Hall,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 31st day of July, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samantha J. Glawson, et al., embracing the following applications for identification as Mississippi Shooters:

Samantha J. Glawson, et al.,	N O R 3038
Pattie Sloan, et al.,	N O R 3039
James W. Hall,	N O R 3041
Katie Roberts,	N O R 3040
John Hall,	N O R 3041
Mary S. Hall,	N O R 3040

These applications were made under the provision of the act of Congress of June 22, 1900, (36 Stat., 455) which is as follows:

"Said Commission shall have authority to determine the identity of Shooter Indians claiming rights in the Shooter lands under article fourteenth of the treaty between the United States and the Shooter Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

2 2 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samson the J. Clawson, Willie Clawson, Pattie Sloan, Patrick Jefferson Sloan, James W. Hall, Katie Roberts, John Hall, and Mary S. Hall as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Necales.

Commissioner in Charge.

Registered.

M.C.R. 3840

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mary S. Hall,
Sherman, Texas.

Dear Madam:-

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samantha J. Clawson et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

SIGNED

Tamc Bixby.
Acting Chairman

For Identification as a Mississippi Choctaw.

Date

OCT 25 1901

Name

Mary Hall

Age

23

Blood

Don't know.

Post Office,

Shewan, Texas.

Father:

Patrick A. Hall, d.

Mother:

Samantha J. Claason, l.

Claims through mother.

~~Signature:~~

claims for xref
alone.

Stenographer

Neal Buford

Choctaw MCR 3841

John Hall . .

See MCR 3838

MCR 3841

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 22, 1901.

#3841.

In the matter of the application of John Hall for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

John Hall, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Hall-----John Hall.
Q John Hall? A Yes sir.
Q What is your age? A Twenty-five.
Q What is your post office address? A Sherman, Texas.
Q How long have you lived in Sherman? A Ten years I think.
Q Where were you born? A I was born at Whittemore, Texas.
Q Texas? A Texas.
Q And you always lived in Texas did you? A Yes sir.
Q What is your father's name? A Patrick Hall.
Q Patrick? A Patrick A. Hall.
Q He is living now is he? A No sir.
Q What is your mother's name? A Which, her-----?
Q Samantha-----? A Samantha Hall.
Q Present name? A Maiden name you mean?
Q No, present name? A Clawson is her present name now.
Q Samantha J. Clawson-----she appeared for identification to-day,
did she not, October 22? A Yes sir.
Q You claim through which parent? A I claim through my mother.

(2).

- Q How much Choctaw blood? A I don't know exactly.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities, or the United States Authorities in the Indian Territory? A No sir, not till to-day.
- Q Do you know when and where your father and mother were married? A Kentuckytown, Texas.
- Q What date? A No, I don't know the date.
- Q Were they married by a minister under a license? A Yes sir.
- Q You haven't the proof of their marriage with you have you? A No sir.
- Q You will be given a reasonable time in which to produce such evidence. Are you married? A No sir.
- Q You apply for yourself alone do you? A Just me.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application for citizenship you have ever made either to the Choctaw Tribal Authorities or to the United States Authorities, for membership in the Choctaw Nation? A First.
- Q Do you now make application to be identified as a Mississippi Choctaw claiming an interest in the lands in the Choctaw Nation Indian Territory, under Article XIV of the Treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article of that treaty? A I think I do.
- Q How many times have you heard it read to-day and explained? A Three or four.
- Q Would you like a further explanation that you may understand it better? A Well, yes.
- Q The Treaty of 1830 was entered into between the United States Government and the Choctaw Tribe of Indians at a place called Dancing Rabbit Creek in Mississippi. The object of the making of this Treaty was to induce all of the Choctaw Indians to go from that old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory. Before it was signed it became known that quite a number of Indians would not go to the Choctaw Nation Indian Territory, and in order to protect their interests Article XIV was put into the Treaty. Article XIV of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the State shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of

(3).

land to be bounded by sectional lined of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply or attempt to comply with any of the provisions of this Article XIV? A I don't know.
- Q What is the name of your ancestor who lived in Mississippi in 1830? Q Nichols-----Doreas Nichols.
- Q Doreas Nichols-----what relation was she to you? A Great-grand-mother.
- Q Do you know whether she spoke the Choctaw language? A I don't know if she did or not.
- Q You never heard that she did? A No sir.
- Q Did she have an Indian name? A I don't know.
- Q Ever hear that she had? A No.
- Q Did she live in Mississippi? A Yes sir.
- Q When? Do you know? A Well, it's been-----1830---'35, somewhere along there.
- Q Was she born in Mississippi? A I couldn't say.
- Q When and where did she die? A Died in Texas-----Kentuckytown.
- Q Do you know when? A About fifteen years ago, I reckon. He, about-----yes, about twelve or fifteen years ago. I don't remember.
- Q How old was she when she died? A Well, she was seventy or seventy-five somewhere along there. She was quite old I know.
- Q Was she married and living in Mississippi in 1830, do you know? A I do not.
- Q Did your grandmother ever live in Mississippi? A Yes sir.
- Q Was she born there? A Yes sir-----I don't know either.
- Q What? A I don't know either if she was born in Mississippi or not. I have heard her speak about it.
- Q Did you ever hear that she was? What was your grandmother's name? A Dyer.
- Q Dyer? A Yes.
- Q What is the first name? A Louisa, or some such name.
- Q Louisa Dyer? A Yes sir.
- Q Where was your mother born? A I don't know. I think in Iowa though.
- Q Do you know when your grandmother Dyer died? A Yes sir-----no not----I don't know exactly.
- Q Do you know where she died? A yes sir, she died in Kentuckytown, Texas? A Texas.
- Q How much Choctaw blood did you ever hear Doreas Nichols had? A I

(4).

- heard she was one-----about a half.
- Q Did you ever hear she was positively one-half? A No sir, I never heard positively. They said she was about a half.
- Q And that is the best knowledge you have of it? A Yes sir.
- Q Where did you hear that. In the family? A In the family.
- Q Have you any other proofs? A That's all.
- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama in 1830? A I couldn't say.
- Q Did any of your Choctaw ancestors within six months from the ratification of the Treaty of 1830, tell the United States Indian Agent, Colonel Ward that they intended to live in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A Not as I know of.
- Q Did any of them ever own any land in Mississippi under Article XIV of the Treaty of 1830? A I don't know.
- Q Did they ever claim or own any land or any other improvements under any other article of the treaty of 1830 that Article XIV or under the supplement of that treaty? A No sir, not as I know of.
- Q The United States Government required the United States Indian Agent who lived in Mississippi in 1830 to make a list of the names of all claimants who came to him within six months after the ratification of the Treaty of 1830, and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States, pursuant to the provisions of Article XIV of the Treaty of 1830. This United States Indian Agent made a list known as Ward's Register, but it contains the names of less than a hundred persons who came before him under that Article of that Treaty, whereas thousands went to him and made declarations pursuant to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek. This neglect on the part of the United States Indian Agent to make a full list of all claimants who came before him within six months from the ratification of the treaty of 1830 as required by Article XIV, caused the land to be taken away from a great many Indians who held it in Mississippi and Alabama. It was sold by the Government at its public land sales. This caused so many complaints on the part of the Indians that finally in 1837 by Act of Congress approved March 3 of that year, a Commission was appointed which went to the State of Mississippi and heard claimants under Article XIV of the Treaty of 1830 and made a list of the names of successful claimants. In 1842 Congress appointed another Commission which went to the state of Mississippi for the same purpose and they made a list of the names of successful claimants under Article XIV of the Treaty of 1830. Do you know if any of your Choctaw ancestors ever appeared before either of these two Commissions, that of 1837 or the Commission of 1842 and claimed benefits under Article XIV of that treaty? A No sir.
- Q Do you know whether any of your ancestors, if Choctaw Indians received any scrip from the United States Government under Act of Congress approved August 23, 1842, which scrip entitled them to select land in place of the land that had been previously taken from them by the Government? A No sir.
- Q Have you any documentary evidence that you want to present to the Commission at this time? A Nothing.
- Q You have no papers have you? A No papers.
- Q Would you like time in which to present documentary evidence? A Yes sir, like time.

(5).

Reasonable time will be allowed this applicant in which to offer documentary evidence or any other proper evidence in support of his application.

- Q Samantha J. Clawson is your mother? A Yes sir.
Q Is Pattie Sloan your sister? A Yes sir.
Q Is Mary Hall your sister? A Yes sir.
Q These relatives have made application for identification on the above date, October 25, before the Commission here at Atoka, all claiming through Dorcas Nichols, the ancestor through whom you claim. Do you want to have their testimony considered with yours that you may get the benefit of what they have testified to? A Yes sir.
Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Brown eyes, medium dark complexion, brown hair. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of Article xiv of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, on October 25, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of December, 1901.

Carroll M. Wood
Notary Public.

COPY.

M O R 3841

Muskogee, Indian Territory, July 21, 1902.

John Hall,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 21st day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samantha J. Clawson, et al., embracing the following applications for identification as Mississippi Choctaws:

Samantha J. Clawson, et al.,	M O R 3838
Pattie Sloan, et al.,	M O R 3839
James W. Hall,	M O R 3841
Katie Roberts,	M O R 3840
John Hall,	M O R 3841
Mary S. Hall,	M O R 3840

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J H—9

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel the J. Clawson, Willie Clawson, Pethie Sleen, Patrick Jefferson Sleen, James W. Hall, Katie Roberts, John Hall, and Mary S. Hall as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their patent be refused as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 3041

COPY

Muskogee, Indian Territory, February 21, 1903.

John Hall,

Sherman, Texas.

Dear Sir:

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samantha J. Clawson, et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

SIGN

Tame Bixby.
Acting Chairman

For Identification as a Mississippi Choctaw

Date OCT 25 1901

Name John Hall,

Age 25

Blood don't know.

Post Office, Sherman, Texas

Father: Patrick A. Hall, d

Mother: Samantha J. Clawson, l.

Claims through Mother

Remarks:

Claims for self
alone.

Stenographer

Ed Buford

Choctaw MCR 3842

Victoria - G. Dennis

See MCR 2564

MCR 3842

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 20, 1902.

#3642.

In the matter of the application of Victoria G. Dennis
for the identification of herself and her four minor children, Sam F.
Dennis, William G., and Mattie Nell Dennis, as Mississippi Choctaws.

Applicant not represented by Attorney.

Victoria G. Dennis, being first duly sworn, upon her
oath testifies as follows:

Examination by the Commission.

- Q What is the name? A Victoria G. Dennis.
Q D-o-n-n-i-s? A Yes sir.
Q Where do you live? A Sherman, Texas.
Q Sherman? A Yes sir.
Q Your age is what? A Twenty-five.
Q You live in Sherman, Texas-----that is your post office address?
A Yes sir.
Q How long have you lived there? A About two months.
Q Where did you live before you lived there? A Kentucky.
Q Where were you born? A Kentucky.
Q And always lived there until the month of April? A Yes sir. Came to
Texas in '90.
Q From Kentucky? A Yes sir, from Kentucky.
Q And went where in Texas in '90? A Sherman.
Q And then went back? A Yes sir.
Q How long did you live there that time? A In Kentucky.
Q No, in Sherman? A Let's see, seven or-----six or seven years.

(2).

- Q Then you went back to Kentucky? A Yes sir.
Q And lived where? A In Butler County, Kentucky.
Q And then you went back to Sherman? A Yes sir.
Q Been there since? A Yes sir.
Q What is your father's name? A John Green Riley.
Q What? A John Green Riley.
Q John G., is it? A Yes sir.
Q R-i-l-e-y? A Yes sir.
Q He is how old? A Well, he's about fifty or may be older.
Q Is he living? A Yes sir, he's living.
Q Has he appeared before the Commission? A No sir, I don't think he has.
Q What is your mother's name? A Letitia.
Q Lettie? A No sir.
Q L-e-t-t-i-e? A Letitia.
Q L-e-t-i-t-i-a? A Yes sir.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A About a sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I know of.
Q Have you any evidence of the marriage of your father and mother? A No sir.
Q Do you know when and where they were married? A I don't know when, but I know they were married in Kentucky.
Q What place in Kentucky? A Warren County.
Q By a minister under a license? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Francis A. Dennis.
Q Francis A.? A Yes sir.
Q Is he a white man or an Indian? A He's a white man.
Q Do you make any claim for him? A No sir.
Q Have you any children under twenty-one years of age and not married? A Yes sir.
Q How many have you? A Four.
Q What is the name of the oldest? A Oma P.
Q What is it? A Oma Pauline.
Q O-m-i-e? A O-m-a .
Q How old is Oma? A She's seven.
Q Next? A Mona.
Q M-? A o-n-a P.
Q F.? A Yes sir.
Q How old? A William.
Q How old is this one? A Oh! she's five.
Q William? A William R.
Q How old is William? A He's two.
Q And the next one is this one? A She's two months and three weeks.
Q What is her name? A Hattie Bell.
Q Hattie what? A Hattie Bell.
Q Two months? A Two months and three weeks. She's not quite three months old.
Q You claim for yourself and these children? A Yes sir.
Q Is Francis A. Dennis the father of these children? A Yes sir.
Q Was he ever married before he married you? A No sir.
Q Were you ever married before you married him? A No sir.
Q They are all living with you at your home I presume? A Yes sir.

(3).

- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities for any of these children? A No sir.
- Q Have you ever made application for yourself and this oldest child for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or this child been admitted to citizenship in the Choctaw Nation-----or your two eldest children-----to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made of any kind to the Choctaw Tribal Authorities or the United States Authorities for citizenship in the Choctaw Nation for yourself and children? A Yes sir.
- Q Do you now come before this Commission for the purpose of identifying yourself and children as Mississippi Choctaws under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that Article of that Treaty? A Well, I think I do.
- Q Article XIV of the Treaty of 1830 was put into that treaty for the especial benefit of the Choctaw Indians who desired to remain in Mississippi after the Treaty of 1830 was made. That treaty of 1830 was made at a place called Dancing Rabbit Creek in Mississippi for the purpose of getting all the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to go to the new Choctaw Nation, Indian Territory. It became evidenced that a great many Choctaw Indians would not go to the new Choctaw Nation under that treaty, so this article was put into the treaty for their protection and to preserve their rights. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall in

(4).

clude the present improvement of the head of the family or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article of that treaty all right? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied with any of those provisions of that article? A I do not.
- Q What is the name of your ancestor who lived in Mississippi in 1830? A From which I claim?
- Q Yes. A My great-grandmother.
- Q What was her name? A Barsheba Barton.
- Q What is that? A Barsheba Barton.
- Q How much Choctaw blood did she have? A Well, she was a fullblood I suppose.
- Q Full-blood? A Yes sir.
- Q Who of your Choctaw ancestors ever lived in Mississippi? Did she? Did she live in Mississippi? A I don't know.
- Q Well, do you know of anyone that did? A No sir, I don't know.
- Q Never heard of any of them living there? A No sir, never heard of it.
- Q You claim through which parent, father or mother? A Mother.
- Q How old would she be if she were living now? A Well, she would be something near fifty.
- Q If she were living now? A Yes sir.
- Q Where was she born? A Kentucky.
- Q She claimed her Choctaw blood through which parent, father or mother? A Father.
- Q What was his name? A Ahijah Rose.
- Q What? A Ahijah Rose.
- Q Can you spell that? A A-h-i-j-a-h.
- Q How then he lived where-----in what state? A Kentucky.
- Q Was he born in Kentucky? A Well, sir, I don't know.
- Q Did he ever live in Mississippi? A I don't know.
- Q Do you know where he died or when he died? A Yes sir.
- Q Where? A He died in Kentucky.
- Q When? A I don't know exactly, not exactly the year. It was somewhere between '90-----somewhere in the last ten years.
- Q He never lived in Mississippi? A Not that I know of.
- Q He claimed his Choctaw blood through which parent, father or mother? A Through his mother.
- Q What was her name? A Her name was Charity.
- Q Charity? A Charity Rose.
- Q Who did she claim through-----Barsheba Barton? A Yes sir.
- Q Now did any of your ancestors live in Mississippi? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvement on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your ancestors live in Alabama. I haven't any knowledge of it.
- Q Never heard of that? A No sir.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they intended to stay in

(3).

- Mississippi or Alabama and take land there? A I don't know.
- Q Did any of them go from Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors claimed or owned any land in Mississippi under Article XIV of the Treaty of 1830? A No sir.
- Q Did they claim any land or own any under any other article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors go before the Commission appointed by Act of Congress approved March 3, 1837, or before the Commission appointed by Act of Congress approved August 23, 1842 and claim benefits or rights or privileges under Article XIV of the Treaty of Dancing Rabbit Creek? A I don't know.
- Q These Commissions were appointed by Congress in those two years 1837 and 1842 respectively, because the United States Indian Agent Colonel Ward failed to make a complete list of all applicants who came before him within six months after the ratification of the Treaty of 1830 and claimed benefits under Article XIV of that treaty. This Agent was instructed by the Government to make a complete list of the names of all persons who did go before him pursuant to the provisions of that article of that treaty, but he failed to do so and these claimants heard in 1837 and also in 1842, were claimants who claimed they had gone to Colonel Ward but he had failed to record their names. You don't know whether any of your ancestors were before either Commission? A No sir, I don't.
- Q The Act of Congress approved August 23, 1842 provided that if any claimant proved his case before that Commission, if it also appeared that he had previously had land taken from him by the Government, that he should be entitled to select land, either in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate should be given to him to that effect. These certificates were called scrip. Do you know whether any of your ancestors received any such scrip from the Government? A Not that I know of.
- Q Have you any documentary evidence you want to give me now? A Yes sir,-----No sir.
- Q Do you speak or understand the Choctaw language? A I do not.

Reasonable time will be allowed this applicant in which to file documentary evidence or other proper proof in support of this application she makes for herself and children.

- Q Is there anything more you want to say now in support of this claim? A No sir.
- Q Have any of your relatives ever appeared here before this Commission? A Yes sir.
- Q Who? A I have three sisters.
- Q What was their names? A The oldest was Virginia E. Harmon.

(6).

- Q Virginia K. what? A Harmon.
Q H-a-r-m-o-n? A Yes, I only have two sisters. I said three.
The other was Lena G. Akers.
Q Where do they live? A Well, Virginia lives at Comba, Oklahoma Territory.
Q How do you spell it? A C-o-m-b-a.
Q And the other one? A At Sherman, Texas.
Q Any others? A No sir.
Q Do you want to have their evidence and the records in their cases considered with yours so that you may get the benefit of what they have testified to? A Well, I don't think it's necessary.
Q Don't you want to have their cases considered with yours? A Oh! yes.

This applicant has the appearance and physical characteristics of being descended from White parentage, medium light complexion, light hair, blue eyes. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause, on October 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford
Subscribed and sworn to before me this 14th day of November, 1901.

Charles Mitchell Wood
Notary Public.

COPY.

Muskogee, Indian Territory, September 4, 1902.

Victoria G. Dennis,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Annie Harmon, et al., embracing the following applications for identification as Mississippi Choctaws:

Annie Harmon,	M C P	2564
George W. Harmon, et al.,	"	2566
Billie Harmon, et al.,	"	2567
Rosa Weaver, et al.,	"	2568
Phenie Covey, et al.,	"	2568
Mollie Howdeshell, et al.,	"	2570
Ida Stone, et al.,	"	2573
Mattie Green,	"	2569
Wash Sledge, et al.,	"	2571
William Sledge,	"	2572
Virginia Harmon, et al.,	"	2197
Lena Akers,	"	2198
Clara Waggoner,	"	2263
Letia Blankinship, et al.,	"	2198
Victoria, G. Dennis, et al.,	"	2642

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat.495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Harmon, George W. Harmon, Leora Harmon, Ira Harmon, Leslie Harmon, Rhea Harmon, Billie Harmon, Lula Harmon, Eura Harmon, Cora Harmon, Eddie Harmon, Rosa Mercer, Ada Mercer, Jeffie Mercer, Ina Mercer, Phemie Covey, Eva Covey, Lula Covey, Clifford Covey, Bessie Covey, Mollie Howdeshell, Earl Howdeshell, Ohmer Howdeshell, Herbert Howdeshell, Ida Stone, Mary Stone, Hubert Stone, Genie Stone, Carl Earnest Stone, Mattie Owens, Wash Sledge, Sherman Sledge, William Sledge, Virginia Harmon, Agnes Harmon, Edna Harmon, Vera Harmon, Jewel Harmon, Lena Akers, Clara Wagener, Lettie Blankinship, Mora Blankinship, Jewel Blankinship, Victoria G. Dennis, Oma Pauline Dennis, Mona F. Dennis, William R. Dennis and Mattie Bell Dennis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

V.C.D.-----S.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Dixby.

Acting Chairman.

Registered.

M.C.R. 3842

Muskogee, Indian Territory, February 26, 1903.

Victoria G. Dennis,
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 15th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Annie Harmon, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

SIGNED:

Tame Dixie
Chairman.

No. 3842

For Identification as a Mississippi Choctaw.

Date

OCT 25 1901

Name

Victoria G. Dennis

Age

25

Blood

1/16

Post Office,

Sherman, Texas

Father:

John G. Riley, d

Mother:

Letitia " d

Claims through

~~husband~~ mother

Francis A. Dennis, W.

No claim for husband

Children:

Orma P. Dennis, 7

Mona F. " 5

William R. " 2

Hattie B. " 3 m.

Claims for self
& children.

Stenographer

Hal Buford

Choctaw MCR 3843

Malinda C. Satterfield

See MCR 3591

MCR 3843

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Malinda C. Satterfield, et al., for identification as Mississippi Choctaws, M.C.R. 3843.

List of papers forwarded to the Secretary of the Interior comprising the record in the case of Malinda C. Satterfield, et al.

	(Page)
Original application of Malinda C. Satterfield, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission refusing the application of Malinda C. Satterfield, et al., applicants for identification as Mississippi Choctaws.....	8

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Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 25, 1901.

#3843.

In the matter of the application of Malinda C. Satterfield for the identification of herself and her four minor children, William F., Nellie L., Nellie M., and Harry C. Satterfield, as Mississippi Choctaws.

Applicant not represented by Attorney.

Malinda C. Satterfield, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Malinda C. Satterfield.
Q Satterfield? A Yes sir.
Q What is your age? A Forty-two.
Q What is your post office address? A Darwin, I. T.
Q How do you spell that? A D-a-r-w-i-n.
Q Where were you born? A Texas. Borned and raised in Texas, Sherman Texas.
Q Always lived in Sherman? A No sir, since I married I moved to Arkansas and stayed a couple of year, but I have been in the Territory ever since-----about twelve year.
Q You have been in the Territory twelve years now have you? A Yes sir.
Q Coming from Arkansas? A Yes sir. I stayed there about two years.
Q And previous to that you always lived in Texas, did you? A Yes sir, I was born and raised in Texas, three miles South of Sherman.
Q What is your father's name? A Well, I don't know either. When I was small after my mother died I was taken to Lamar County, Georgia.

(2).

- as.
- Q You don't know your father's name? A My father?
- Q Yes. A Yes sir.
- Q What is it? A Ladd.
- Q Full name? A H Ezekiah.
- Q Is he living? A No sir.
- Q What is your mother's name? A Levina.
- Q Ladd? A Yes sir, the last name, of course.
- Q L-e-v-i-n-a, is it? A Yes sir.
- Q Is she living? A No sir.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A Well, she's a half----no, a third, I reckon.
- Q How much would you be. How much do you claim? A About an eighth
- Q About an eighth? A Yes sir.
- Q You think she was a third and you about an eighth? A I think so. I don't know, of course.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw Tribal Authorities or by the United States Authorities in the Indian Territory? A Not that I know of.
- Q Have you the proof of the marriage of your father and mother here? A No sir, I haven't it here.
- Q Can you state when they were married? A I think my brothers, elder brothers, has the record of all of our ages, marriages and all-----my eldest brother in his house.
- Q Well, has he appeared before the Commission? A Yes sir, all of them.
- Q What is his name? A J. W.
- Q J. W.? A No, John's J. W. Henry.
- Q Henry what? A H. W. ain't it. William Henry is his name.
- Q Chisholm? A Yes sir.
- Q Now about John. Is there a John Chisholm? A Yes sir, John Wesley.
- Q Where does John live? A He lives in-----well, he's in the Comanche, in Oklahoma.
- Q What place? A Oklahoma City, I reckon. No, in Okarche, I believe.
- Q And where does Henry Chisholm live? A He lives near Sherman, three miles South.
- Q Sherman, Texas? A Yes sir.
- Q Have you any other relatives? A Yes sir, two more brothers.
- Q What are their names? A Thomas.
- Q Have they been here? A Yes sir, they've all been here.
- Q Thomas what? A Thomas Ralph.
- Q Thomas Ralph? A Yes sir-----Chisholm.
- Q He lives where? A He lives in Oklahoma.
- Q What place? A I can't give it. I could get it though if it's necessary.
- Q What is the other brother's name that's been here? A Andrew Ladd
- Q Where does he live? A He lives South of Sherman, in about a quarter of the oldest brother.
- Q His post Office is Sherman? A Sherman, Texas.
- Q Now these brothers have all appeared here for identification you say, as Mississippi Choctaws? A Yes sir.
- Q Do you want to have their testimony considered with yours when yours is considered that you may get the benefit of what they have testified to? A Yes sir, if it's necessary. I expect they

(3).

- are older, and they might have give more than I can.
- Q How you claim through what ancestor? (No answer).
- Q You claim through what ancestor. (No answer).
- Q Who do you claim through, grandfather, grandmother-----? A Grand father.
- Q What was his name? A Thomas Ralph.
- Q What else? A Thomas Ralph.
- Q Ralph Mason? A Yes. Well, I have a sister, of course she's had -----she has three children. I thought I might leave off some you know.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Satterfield-----J.P.Satterfield.
- Q J. P.? A Yes sir.
- Q Is he a white man? A Yes sir, I reckon he is.
- Q Do you make any claim for him? A No sir, none at all.
- Q Now, have you children under twenty-one years of age? A Oh! I, yes I do!
- Q Do what? A I thought he come in the claim.
- Q You don't claim he's an Indian? A Yes sir, I understand it now.
- Q Have you any children under twenty-one years of age and unmarried? A I have got a son nineteen.
- Q What is his name? A He's-----no he was twenty his birthday.
- Q What is his name? (No answer).
- Q Give his name? A Fred Satterfield.
- Q What's that? A William Fred Satterfield.
- Q How old is he, twenty? A He's twenty.
- Q Now the next? A Eighteen.
- Q What is his name? A Girl, Nellie Lou.
- Q What is the name? A Nellie Lou. Sixteen.
- Q Sixteen you say? A Yes sir.
- Q I have got it eighteen as you said. A Well, she's sixteen.
- Q Now the next? A Nellie May.
- Q How old is Nellie? A Fourteen.
- Q Now the next? A No, thirteen.
- Q Now the next? A Harry Clifford.
- Q Harry? A yes sir.
- Q How old is he? A He's four.
- Q Now the next? A That's all.
- Q Is J. P. Satterfield the father of these children? A Yes sir.
- Q Are you the mother of them all? A Yes sir.
- Q You claim for yourself and these children do you? A Yes sir.
- Q When and where were you married to J. P. Satterfield? A Sherman, Texas.
- Q What date? A It's been twenty-three year ago this July
- Q Do you remember the day of the month and the year? A 'Seventy-nine.
- Q Do you remember the day of the month? A Yes sir, fourth of July.
- Q Were you married by a minister under a license? A Yes sir.
- Q Was he married previous to his marriage to you? A No sir.
- Q Or you to him? A No sir.
- Q Is your name or the names of any of these children on any of the Tribal rolls of the Cheetaw Nation in the Indian Territory? A My name,
- Q Yes, is your name or the names of any of these children on any of the Tribal Rolls of the Cheetaw Nation in the Indian Territory. I mean now, by that, are you enrolled as a Cheetaw Indian by the Cheetaw Indians? A Yes sir-----Oh! not by them of course. Of course, not. I didn't think. I didn't understand it.

(4).

- Q Did you ever make application to the Cheetaw Tribal Authorities for the enrollment of yourself and children as Cheetaw Indians?
A No sir, I never did.
- Q Did you ever make application for yourself and children for citizenship or enrollment as members of the Cheetaw Tribe of Indians to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir, I never did.
- Q Have you ever been admitted, you or your children, to citizenship in the Cheetaw nation by either the Cheetaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A Not that I know of.
- Q This is the first application you ever made of any kind then is it for citizenship for yourself and children in the Cheetaw Nation?
A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaws claiming an interest in the Cheetaw lands in the Indian Territory under Article XIV of the Treaty of 1830? A Yes sir, I reckon.
- Q Do you understand that article? A Looks like I ought to, but then I don't know whether I understand it or not.
- Q You have heard it read and explained quite a number of times today havn't you? A Yes sir, several times.
- Q Well now, I will read it to you again. Article XIV as it appears in the Treaty of 1830 reads as follows:

"Article XIV: Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This article was put into the Treaty of 1830 to look after the interests, to protect and preserve the interests of the Choctaw Indians who remained in Mississippi and refused to go to the new Choctaw Nation Indian Territory with the other Indians under that

(8).

Treaty of 1830. That Treaty of 1830 was made at a place called Dancing Rabbit Creek in Mississippi on September 27, 1830, for the purpose of getting all the Indians to go from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation west of the Mississippi here in the Indian Territory. A good many wouldn't come. Their interests had to be protected in some manner so Article XIV was put into the treaty to protect them. After this article was drawn up it was read to all the different factions of the Indians on the one hand and the United States representatives on the other, it became satisfactory to all; then it was incorporated into the treaty and the treaty was signed, became ratified afterwards-----ratified on the 24 day of February, 1831.

Do you understand that treaty now as read and explained? A Looks like I ought to.

- Q Well now do you know whether any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of that article of that treaty as read and explained to you. Any of your kinfolks I mean. A Not that I know of.
- Q Did they ever do anything as required there in that article of that treaty? A(No answer)
- Q You don't know that they did? A Not that I know of.
- Q you claim through what ancestor? What is the name of your ancestor? A Chishelm-----Oh! Mason!
- Q Ralph Mason? A Ralph Mason.
- Q What relation was he to you? What kin? A My grandfather.
- Q Your grandfather? A Yes sir, my mother's father.
- Q How much Choctaw blood did he have? A He had a half, I reckon, or a fourth. I don't know. I couldn't say. I am-----.
- Q Did you ever hear? A No sir.
- Q Did he ever live in Mississippi? A I couldn't say that.
- Q Did any of your Choctaw ancestors? A Oh! yes! he lived in Mississippi.
- Q Do you know whether he was born in Mississippi or not? A I couldn't tell you.
- Q Did he live in Mississippi in 1830? A I couldn't tell you that.
- Q Did any of his descendants live in Mississippi? A I couldn't tell you.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830 or Alabama? A I couldn't tell you that.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to live in Mississippi and take land there? A I couldn't say that.
- Q Did any of your Mississippi Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No, no sir.
- Q You don't know? A No sir.
- Q Did any of your ancestors as Choctaw Indians claim or receive any land in Mississippi or Alabama under Article XIV of the Treaty of 1830 do you know? A I couldn't say that either.
- Q Did any of your Choctaw ancestors receive or claim any benefits or any land or anything whatever under any other article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? Do you know? A I couldn't say.
- Q In accordance with the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the United States Indian Agent, Colonel Ward was instructed by the Government of the United States to make a list of the names of all Choctaw Indians who came before him

(6).

within six months after the ratification of the Treaty of 1830 and declared their intention or purpose of remaining in Mississippi, taking land there and becoming citizens of the United States as required in Article XIV of that Treaty. The Indian Agent made a list, a very incomplete list, leaving off the names of thousands of Indians who did comply with the requirements of Article XIV. As a result of his neglect many Indians who held land in Mississippi upon which they had improvements had both land and improvements taken from them and sold by the Government. This lead to so many complaints among the Indians that finally in 1837 Congress by an Act approved March 3, 1837, appointed a Commission and t his Commission went to the State of Mississippi and heard claimants under article XIV of that Treaty and made a list of the names of claimants whose claims were approved. In 1842 Congress appointed another Commission for the same purpose, and this Commission went to the State of Mississippi and heard claimants under Article XIV and made a list of the names of successful claimants. Did any of your Choctaw ancestors go before either of those Commissions, that of 1837 or the Commission of 1842 and claim benefits and rights and privileges under Article XIV of the Treaty of 1830? A I don't know that. They might have done so.

- Q You never heard that they did? A No sir.
- Q The Act of Congress approved August 23, 1842, provided that if a successful claimant proved his claim before it-----this Commission of 1842, if it also appeared that he had previously had his land taken from him by the Government that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that he should receive scrip or a certificate to that effect. It was called scrip in those days. Do you know whether any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A I don't know.
- Q Never heard? A No sir.
- Q Have you any documentary evidence that you would like to present now, A I can't think of any.
- Q You haven't any papers with you have you? A No sir, none at all.

Reasonable time will be allowed this applicant in which to present documentary or furnish other evidence or testimony in support of this application which she makes for her children and for herself. And also, to prove the marriage of her father and mother.

- Q Do you speak the Choctaw language? A No sir.
- Q Have you anything further that you would like to say in support of this claim. Anything more you would like to say? A I can't think of anything at present. We can get this proof. My mother has an acquaintance living now.
- Q Well you will have reasonable time in which to get that proof in here. A If we need it.

(7).

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium dark complexion, black eyes, medium light hair. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article XIV of the Treaty of 1830.

Hal Delford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Delford

Subscribed and sworn to before me this 14th day of December, 1901.

Clara Mitchell

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Malinda C. Satterfield, et al., for identification as Mississippi Choctaws, M.C.R. 3843.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Malinda C. Satterfield for herself and her four minor children William Fred, Nellie Lou, Mollie May and Harry Clifford Satterfield under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded Sep-

tember twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Ralph (or Thomas Ralph) Mason, who is alleged to have been a Choctaw Indian, degree of blood not positively stated.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 13, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ralph (or Thomas Ralph) Mason, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 120) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that

the evidence herein is insufficient to determine the identity of Malinda C. Satterfield, William Fred Satterfield, Nellie Lou Satterfield, Mollie May Satterfield and Harry Clifford Satterfield as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Bixby.
Acting Chairman.

(SIGNED)

T. B. Needles.
Commissioner.

(SIGNED)

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

APR 10 1903

Muskogee, Indian Territory, January 3, 1903.

M. C. Satterfield,

Box #94,

Berwyn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, in which you state that yourself and family were enrolled at Atoka in the fall of 1901 as Mississippi Choctaws; that you claim your right by reason of being descendants of the Mason family, and ask to be advised if the names of certain persons by the name of Mason appear upon the records.

In reply to your letter you are informed it appears from our records that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws.

No opinion or decision has yet been reached in your case, but the Commission is now considering your application and it is probable that a decision will be rendered in the near future. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

The records in the possession of the Commission relating to those persons who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of eighteen hundred and thirty, and who received lands and scrip thereunder, have

M. C. S. -----2.

been examined and none of the names mentioned in your letter are found thereon.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, April 9, 1903.

Mrs. M. C. Satterfield,

Berwyn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you state "I have been thinking of getting on some land, but I thought I would get your advice first. Would you advise us to get on some land?"

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. The Commission has not up to the present reached any opinion or decision relative to the right of yourself and children to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to your holding land in the Choctaw-Chickasaw country, you are advised that yourself and minor children occupy the status of applicants for identification as Mississippi Choctaws whose right to such identification has in no manner been determined, and it is not believed that yourself and children are

Mrs MGS 2

at this time entitled to possessory rights of the tribal property
of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

COPY.

M.C.R. 3843

Muskogee, Indian Territory, April 10, 1903.

Mansfield, McMurray and Cornish,
Attorney for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.
Gentlemen:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Malinda C. Satterfield, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Malinda C. Satterfield, William Fred Satterfield, Nellie Lou Satterfield, Nellie May Satterfield and Harry Clifford Satterfield as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

COPY.

Muskogee, Indian Territory, April 10, 1903.

Malinda C. Satterfield,
Berwyn, Indian Territory.

Dear Madam:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five civilized Tribes rendered a decision in the case of Malinda C. Satterfield, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Malinda C. Satterfield, William Fred Satterfield, Nellie Lou Satterfield, Mollie May Satterfield and Harry Clifford Satterfield as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the application for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this of-

-2-

file, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

(COPY)

Muskogee, Indian Territory, April 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Malinda C. Satterfield, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 10, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of William H. Chisolm, et al., decision in which was rendered by the Commission on July 22, 1902, and approved by the Secretary on November 11, 1902.

Respectfully,

(Signed)

TAMS BIXBY,

Chairman.

Through the
Commissioner of Indian Affairs.

2 enclosures M.C.R. 3843.

M.C.R. 3843

Muskogee, Indian Territory, April 30, 1903.

Malinda C. Satterfield,

Berwyn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your communication of April 21, 1903, in which you ask if it will be necessary to introduce additional testimony in your case.

In reply to your communication you are advised that on April 27, 1903, the record in the case of Malinda C. Satterfield, et al., was forwarded to the Secretary of the Interior and pending such action as may be taken by him the Commission is without authority to receive or consider any evidence in this case.

Respectfully,

Chairman.

Land
27844--1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 14, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Malinda C. Satterfield, for the identification of herself and her four minor children, William, Fred? Nellie Lou, Mollie May, and Harry Clifford Satterfield, as Mississippi Choctaws.

On April 10, 1903, the commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their application therefore should be refused.

An examination of the record evidence by the office shows that these applicants claim to have inherited their Choctaw blood and derived their rights under said article through Thomas Ralph or Ralph Mason, but neither said evidence, nor an examination of the records in this office shows that either the said Thomas Ralph or Ralph Mason ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or received

a patent for land thereunder .

The attention of the Department is called to the fact that this case is similar to that of William H. Chisholm, et al., which was decided by the Department on November 11, 1902 (I.T.D., 6367--1902).

By reason of the premises the office considers that said decision of the commission is correct, and recommends that it be affirmed by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W.C.B.(E.)

(COPY)

D.C. 17132

W.C.F.

ITD.4432-1903.

HAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

June 5, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

April 27, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Malinda C. Satterfield and her minor children, William Fred? Nellie Lou, Nellie May and Henry Clifford Satterfield, including your decision of April 10, 1903, refusing the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Thomas Ralph or Ralph Mason, the maternal grandfather of the principal applicant, it being alleged that said ancestor was a Choctaw Indian.

Re porting May 14, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department finds that the name Mason appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office. In view of this fact the Department is not willing that

-2-

the case should be finally adjudicated at the present time, and it is hereby returned to you for appropriate action. In so doing, you are requested to follow instructions contained in departmental letter of April 2, 1903, relative to the case of Harriet Adkins.

Respectfully,

Thos. Ryan,

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, July 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

On April 27, 1903, the Commission transmitted to the Department the record in the case of Malinda G. Satterfield, et al., applicants for identification as Mississippi Choctaws, including its decision of April 10, 1903, refusing said application.

With Departmental letter of June 5, 1903, (I.T.D. 4432-1903), the record in the case of Malinda G. Satterfield, et al., was remanded to this Commission for further hearing.

In said letter it is stated as follows:

"The Department finds that the name Mason appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office. In view of this fact the Department is not willing that the case should be finally adjudicated at the present time, and it is hereby returned to you for appropriate action."

The Commission desires to call to the attention of the Department the fact that on July 23, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., together with its decision of that date refusing the applications of the several persons included therein for identification as Mississippi Choctaws, and on November 11, 1903, (I.T.D. 6367-1903), the Secretary of the

Hon. Sec. Int.,--2

Interior affirmed the decision of the Commission in the following language:

"The name of 'Mason' appears on a list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office, this, however, in the absence of any suggestion from the claimants would not warrant the Department in remanding the case to allow them an opportunity to appear and show that this 'Mason' was the Ralph Mason through whom they claim. Your decision is hereby affirmed. You will furnish the principal applicant a copy hereof in giving notice, in order that they made have due opportunity if they consider they have any rights through said 'Mason', to file a motion for a re-hearing and furnish affidavits as a basis therefor."

It is believed that the department has inadvertently overlooked the fact that the applicants in the case of Malinda C. Satterfield, et al., claim descent through the same common ancestors as the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., which fact was called to the Department's attention by a note attached to the record in the case of Malinda C. Satterfield, et al.

The record in the Mississippi Choctaw case of Malinda C. Satterfield, et al., is therefore herewith returned in order that the Department, if it considers that the applicants in said case are entitled to a re-hearing, may, if it so desires, reopen the consolidated Mississippi Choctaw case of William H. Chisholm, et al., for the taking of additional testimony therein.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 3843.

Refer in reply to
the following:

(COPY)

Land.
43082-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, February 16, 1904.

The Honorable,

Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes of July 7, 1903, referring to the fact that with departmental letter of June 5, 1903, (I.T.D. 4432, 1903), the record of the Mississippi Choctaw case of Malinda C. Satterfield et al was remitted to the Commission for further hearing.

In said letter the Department stated as follows:

"The Department finds that the name Mason appears on a list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830 furnished the Department by the Indian Office. In view of this fact the Department is not willing that the case should be adjudicated at the present time and it is hereby returned to you for proper action."

The Commission expresses a desire to call the attention of the Department that on July 22, 1902, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of William H. Chishelm together with its decision of that date refusing the applications of the several persons included therein for identification as Mississippi Choctaws and on November 11, 1902, (I.T.D. 6367, 1902) you confirmed the decision of the Commission in the following language:

"The name of 'Mason' appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office, this, however, in the presence of any suggestion from the claimants would not warrant the Department in remanding the case to allow them an opportunity to appear and show that this "Mason" was the Ralph Mason through whom they claim. Your decision is hereby affirmed. You will furnish the principal applicant a copy thereof in giving notice, in order that they may have due opportunity if they consider they have any rights through said "Mason", to file a motion for a re-hearing and furnish affidavits as a basis therefore"

The Commission say it is believed by them that the Department has undoubtedly overlooked the fact that the applicants in the case of Malinda C. Satterfield et al claim descent from the same ancestors as the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm et al which fact was called to the Department's attention by the note attached to the record in the case of Malinda C. Satterfield et al.

The record in the Mississippi Choctaw case of Malinda C. Satterfield et al is therefore returned by the Commission in order that the Department if it considers that the applicants in said case are entitled to the re-hearing, may, if it so desires, reopen the consolidated Mississippi Choctaw case of William H. Chisholm et al for taking of additional testimony therein.

Very respectfully,

A C Tonner

Acting Commissioner.

C O P Y

W.C.F.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D. 1330-1904.

March 2, 1904.

L R S

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

With your letter of July 7, 1903, you returned the record in the Mississippi Choctaw case of Malinda C. Satterfield, et al.

The applicants in this case trace their Choctaw descent from Ralph (or Thomas Ralph) Mason.

You rejected the applicants April 10, 1903. On June 5, 1903, the Department remanded the case for the reason that the name of Mason appears on a list of Choctaws to whom scrip was issued under the Choctaw treaty of 1830.

You call attention to the fact that the applicants in this case claim descent from the same ancestor as do the applicants in the case of William H. Chisholm, et al., in which case your decision rejecting the applicants was approved by the Department on November 11, 1902 (I.T.D. 6367-1902); you therefore returned the record in the case of Malinda C. Satterfield, et al., in order that the Department may, if it desires, reopen the case of William H. Chisholm, et al.

In order that the rights of the applicants in both cases may be fully protected, the Department returns herewith the evidence submitted in the case of Malinda C. Satterfield, et al.; also

that in the case of William H. Chishelm, et al., and you are directed to take appropriate action in each case, in accordance with the instructions contained in departmental letter of June 5, 1903, remanding the case of Malinda C. Satterfield, et al.

A copy of the Acting Commissioner of Indian Affairs' letter of February 16, 1904, submitting your letter of July 7, 1903, is inclosed herewith.

Respectfully,

Thos. Ryan,
Acting Secretary.

3 inclosures.

Muskegee, Indian Territory, March 24, 1904.

Malinda C. Satterfield,
Berwyn, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of March 2, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws; also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., it appearing from the record that you claim your rights to identification as a Mississippi Choctaw through Ralph (or Thomas Ralph) Mason, the same ancestor through whom the applicants in the case of William H. Chisholm, et al. claim their descent. These records were returned in order that the several applicants might be granted an opportunity to introduce additional testimony and evidence in support of their claim.

The Secretary of the Interior in a letter to this Commission, under date of June 5, 1903, relative to your case, stated that the name Mason appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office.

The Commission is directed to advise you that said re-

M C S 2

cords relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are the descendants of Choctaw ancestors who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830; that such ancestors resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830; or subsequently had their claims arising under the said 14th article adjudicated by either of the two commissions authorized for this purpose by the

M C S 3

acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of your claim, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep
Registered

Commissioner in Charge.

Muskogee, Indian Territory, June 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On June 5, 1903 (I T D 4432-1903), the Department remanded the record theretofore forwarded it in the Mississippi Choctaw case of Malinda C. Satterfield, et al., in which case the applicants trace their Choctaw descent from Ralph (or Thomas Ralph) Mason, for the reason that the name of Mason appeared on a list of Choctaws for whom scrip was issued under the Choctaw treaty of 1830.

The record in the above mentioned case was returned to the Department on July 7, 1903, and attention was respectfully invited to the fact that the applicants in this case claim descent from the same ancestor as do the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., in which case the Commission's decision rejecting the applicants was approved by the Department on November 11, 1902 (I T D 6367-1902).

The Department, with its letter of March 2, 1904 (I T D 1330-1904), returned to this Commission the evidence submitted in the case of Malinda C. Satterfield, et al.; also that in the case of William H. Chisholm, et al., in order that the rights of the applicants in both cases might be fully protected, and directed the

Commission to take appropriate action in each case, in accordance with the instructions contained in departmental letter of June 5, 1903, remanding the case of Malinda C. Satterfield, et al.

In accordance with such departmental instructions the Commission, on March 24, 1904, notified all parties in interest in the Mississippi Choctaw case of Malinda C. Satterfield, et al. and the consolidated Mississippi Choctaw case of William H. Chisholm, et al., that it would, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as might present themselves in person, and receive for consideration such documentary evidence as might be offered in support of this case.

On April 18, 1904, W. H. C. Greer, agent for the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., filed a motion for a continuance in said case for thirty days, in order that the depositions of certain witnesses might be introduced, and, after a consideration of said motion, the same was granted by the Commission; a copy of the motion and of the Commission's decision granting the same being attached to the record herewith forwarded.

As there has apparently been no effort made to secure said depositions, and as no additional testimony has been offered by the applicants, the original record in the Mississippi Choctaw

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case of Malinda C. Satterfield, et al., and the consolidated Mississippi Choctaw case of William H. Chisholm, et al. are herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Wm. C.

Land.

43905-1904. DEPARTMENT OF THE INTERIOR,
42967-1904. OFFICE OF INDIAN AFFAIRS,

Washington, November 9, 1904

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated June 30, 1904, transmitting the record in the application for identification as Mississippi Choctaws by Malinda C. Satterfield and her four minor children, William Fred, Nellie Lou, Mollie May and Harry Clifford Satterfield; also the record in the consolidated applications for identification as Mississippi Choctaws by William H. Chisholm for himself and his four minor children, John M., Josie Fern, Henrietta and Winnie Belle Chisholm; by James A. Ladd for himself and his three minor children, James Luther, Arthur and Levina Belle Ladd; by Walter Chisholm for himself and his minor child, Pearl Chisholm; by George W. Chisholm for himself and his three minor children, William H. Jr., John W. Jr., and Ethel Chisholm; by John W. Chisholm for himself, and by Thomas Ralph Chisholm for himself and his three minor children, Bessie, Allie and Jessie Edie Chisholm.

April 10, 1903, the Commission decided adversely to the application of Malinda C. Satterfield et al.

July 22, 1902, the Commission decided adversely to the application of William H. Chisholm et al.-and on November 11, 1902, the Department approved the decision.

March 2, 1904, the Department returned to the Commission the record in the case of Malinda C. Satterfield et al; also that in the case of William H. Chisholm et al., in order that the rights of the applicants in both cases might be fully protected and directed the Commission to take appropriate action in each case.

March 24, 1904, the Commission notified all parties in interest in each case, that it would up to and including April 26, 1904, hear the testimony of such witnesses as might present themselves. April 18, 1904, the Commission granted the applicants an extension of thirty days for the purpose of taking depositions. It does not appear that any testimony has been filed since the cases were remanded to the Commission.

The records show that the applicants in the case of Malinda C. Satterfield et al., claim descent from the same ancestor, Ralph (or Thomas Ralph) Mason as the applicants in the case of William H. Chisholm et al.

In view of the approval of the Commission's decision by the Department in the case of William H. Chisholm et al., and the fact that no further evidence has been filed, the approval of the Commission's decision adverse to the applicants, Malinda C. Satterfield et al., and of William H. Chisholm et al., is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR,

WCF

D. C. 45432-1904.
I.T.D.11522-1904.

WASHINGTON.

FHE

LRS

November 22, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On June 30, 1904, you returned the record in the Mississippi Choctaw case of Malinda C. Satterfield, et al. (M.C.R.3843); also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al. (M.C.R.3591).

It appears that on November 11, 1902, the Department approved your decision of July 22, 1902, adverse to the applicants in the case of William H. Chisholm, et al. On April 10, 1903, you rejected the applicants in the case of Malinda C. Satterfield, et al, and on June 5, 1903, the Department remanded said case for further investigation. On July 7, 1903, you returned the record in said case and called the attention of the Department to the fact that the applicants in this case claim descent from the same ancestor as do the applicants in the case of William H. Chisholm, et al. On March 2, 1904, the Department returned to you the evidence submitted in the case of Malinda C. Satterfield, et al, also that in the case of William H. Chisholm, et al, and instructed you to conduct further investigation in each case, in accordance with the instructions contained in departmental letter of April 2, 1903, in the Mississippi Choctaw case of Harriet Adkins.

-2-

It appears that on March 24, 1904, you notified all parties in interest that you would, up to April 26, 1904, hear and consider any evidence that might be produced in either of the cases above mentioned. It also appears that on April 18, 1904, W.H.C. Greer, attorney for the applicants in the case of William H. Chisholm, et al, filed a motion for a continuance in said case for thirty days, in order that the depositions of certain witnesses might be introduced, which motion was granted. It appears that no depositions were secured and no additional testimony offered by the applicants.

Reporting in the matter November 7, 1904, the Acting Commissioner in Indian Affairs recommends that your decisions in both cases be approved.

The Department concurs in said recommendation, and your decisions rejecting the applicants in both cases are approved.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan.

Acting Secretary.

1 inclosure.

M.C.R. 3843

COPY.

Muskogee, Indian Territory, November 30, 1904.

Malinda C. Satterfield,
Berwyn, Indian Territory.

Dear Madam:

You are hereby notified that on the 22nd day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Malinda C. Satterfield et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

M.C.R. 3843

COPY.

Muskogee, Indian Territory, November 30, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 22d day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Malinda C. Batterfield et al., of which decision you were advised by mail on the 10th day of April, 1903.

Respectfully,

(SIGNED)

T.B. Needles.

Commissioner in Charge.

M C R 3843

Muskogee, Indian Territory, March 14, 1905.

Ledbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 6th instant, asking to be advised the ~~status~~ of the Mississippi Choctaw application of Malinda C. Satterfield, et al.

In reply you are informed that on November 22, 1904, the Secretary of the Interior approved the Commission's decision of April 10, 1903, refusing the applicants in the above mentioned case, of which departmental action they were duly notified on November 30, 1904.

The Commission now considers this case closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.

630-1909.

Muskogee, Oklahoma, January 11, 1909.

Mrs. W. C. Satterfield,
Woolsey, Oklahoma,
Madam:

Receipt is hereby acknowledged of your letter of January 6, stating that you are informed the names of some of the persons who have been denied are now to be placed on the rolls and you wish to know if your name is included in this number.

In reply you are advised that it is presumed you have reference to an opinion of the Supreme Court of the United States in certain enrollment cases, and you are advised that this office has received no official information from the Department relative to the text of this opinion or the action to be taken thereunder. When such instructions are received all parties in interest will be notified.

You are informed, however, that this opinion refers to persons who had been enrolled as citizens of the Choctaw and Chickasaw Nations and whose names were subsequently stricken from the rolls while it appears from the records of this office that you and your children were applicants for identification as Mississippi Choctaws and that this application was refused by the Commission to the Five Civilized Tribes on April 10, 1903

M C S 2

and on November 24, 1904, this action was approved by the Department. It would not appear, therefore, that your case is analogous to those included in the opinion above referred to.

Respectfully,

Acting Commissioner.

AB

Muskogee, Oklahoma, April 6, 1909.

Subject:
Report on letter of
Malinda Satterfield
relative to enrollment.

The Honorable,

The Secretary of the Interior.

Sir:

March 25, 1909 (File 5-51, Cherokee, Creek, Choctaw) the Department transmitted to this office for report and recommendation, fourteen letters from various persons relating to certain Indian citizenship cases.

It is stated by the Department that in these cases it is to be determined whether any action should be taken pursuant to the opinion of the Supreme Court of November 30, 1908, in the case of John H. Goldsby. Request is made for separate report in each case.

Reporting on the letter from Malinda C. Satterfield of Wealsey, Oklahoma, dated January 7, 1909, I have the honor to advise that at Atoka, Indian Territory, October 25, 1901, Malinda C. Satterfield made application to the Commission to the Five Civilized Tribes for the identification of herself and her four minor children, William F., Nellie L., Nellie M., and Harry C. Satterfield, as Mississippi Choctaws, under the following provision of the act of Congress approved June 26, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears that the applicants claimed their rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Ralph (or Thomas Ralph) Mason, alleged to have been a Choctaw Indian, degree of blood not positively known.

It further appears from the evidence submitted in support of said application and from the records in the possession of this office, that none of said applicants were ever enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of this office relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ralph (or Thomas Ralph) Mason,

(3)

or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

On April 10, 1903, the Commission to the Five Civilized Tribes rendered a decision refusing the application of Malinda C. Satterfield for the identification of herself and children above named as Mississippi Choctaws. On the same date the principal applicant was notified of the action of the Commission and given fifteen days within which to file argument in support of her claim.

April 27, 1903, no argument having been filed in this case, the record therein and the Commission's decision were forwarded to the Secretary of the Interior for consideration.

With Departmental letter of June 5, 1903 (I.T.D. 4432-1903), the record in the case of Malinda C. Satterfield, et al., was remanded to the Commission to the Five Civilized Tribes for further hearing. In said letter it was stated as follows:

"The Department finds that the name Masen appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office. In view of this fact the Department is not willing that the case should be finally adjudicated at the present time, and it is hereby returned to you for appropriate action."

With letter of July 7, 1903, the Commission returned to

the Department the record in the Mississippi Choctaw case of Malinda C. Satterfield, et al., and called attention to the fact that the applicants in said case claimed descent from the same ancestor as did the applicants in the case of William H. Chisholm, et al., in which case the Commission's decision rejecting the applicants was approved by the Department on November 11, 1902 (I.T.D. 6367-1902).

March 2, 1904 (I.T.D. 1330-1904), the Department returned to the Commission the evidence submitted in the case of Malinda C. Satterfield, et al.; also that in the case of William H. Chisholm, et al., in order that the rights of the applicants in both cases might be fully protected, and directed the Commission to take appropriate action in each case, in accordance with the instructions contained in departmental letter of June 5, 1903, remanding the case of Malinda C. Satterfield, et al.

In accordance with such Departmental instructions the Commission to the Five Civilized Tribes, on March 24, 1904, notified all parties in interest in the Mississippi Choctaw case of Malinda C. Satterfield, et al. and the consolidated Mississippi Choctaw case of William H. Chisholm, et al., that it would, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as might be presented, and receive for consideration such documentary evidence as might be offered in support of this case.

(5)

On April 18, 1904, W. H. C. Greer, agent for the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., filed a motion for a continuance in said case for thirty days, in order that the depositions of certain witnesses might be introduced, and, after consideration of said motion, the same was granted by the Commission.

No depositions or additional evidence of any character having been filed by the applicants, the record in the Mississippi Choctaw case of Malinda C. Satterfield, et al. and the consolidated Mississippi Choctaw case of William H. Chisholm, et al., was returned to the Department June 30, 1904.

The decisions of the Commission to the Five Civilized Tribes in the Mississippi Choctaw cases of Malinda C. Satterfield, et al., and William H. Chisholm, et al., rejecting the applicants, were approved by the Department November 22, 1904 (I.T.D. 11522-1904), since which time it does not appear that further action was taken relative to these cases.

The communication of Mrs. Malinda Satterfield is returned herewith.

Respectfully,

Through the Commissioner
of Indian Affairs.
McM 6/1

Commissioner.

Land
20938-1909

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, U. S.

F. I. A.

Washington,

Jun 4 1909

Enrollment case of
Malinda C. Batterfield
et al.

The Commissioner to the

Five Civilized Tribes,

Muskogee, Oklahoma,

Sir:

Referring to your report of April 6, 1909, relative to the enrollment case of Malinda C. Batterfield, et al., you are advised that on May 28, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S. 249). The Department declined to take any action looking to the enrollment of any of the applicants in the case of Malinda C. Batterfield et al.

A copy of approved Office letter of May 6, 1909, is enclosed for your further information.

You are requested to notify the proper parties of this action.

Very respectfully,

C. F. Hauke

Chief Clerk.

NMT-1
1763

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26938-1909.
J E D

May 6 19 09

Enrollment case of Malinda C. Satterfield, et al.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 25, 1909 (File 5-51), there is transmitted herewith a report dated April 6, 1909, from the Acting Commissioner to the Five Civilized Tribes, relative to the enrollment case of Malinda C. Satterfield et al.

The record shows that on April 10, 1903, the Commission to the Five Civilized Tribes rendered a decision refusing the application of Malinda C. Satterfield for the identification of herself and her four minor children, William F., Nellie L., Mollie M. and Harry C. Satterfield, as Mississippi Choctaws. On June 5, 1903, the Department remanded the case for a further hearing. The record was returned to the Department, but on March 2, 1904, was again sent to the Commission to take appropriate action in compliance with Department instructions of June 5, 1903. It appears that opportunity was afforded the applicants to furnish additional evidence, but none was offered or submitted. The Commission, therefore, on June 30, 1904, again forwarded the record in the case, and on November 22, 1904, the Department affirmed the decision of the Commission rejecting the applicants. It does not appear that the De-

partment ever rendered any decision favorable to the applicants. The office is of the opinion that the case is not analogous to that of John E. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U. S., 249).

It is therefore recommended that the Department take no action looking to the enrollment of any of the applicants included in the case of Malinda C. Satterfield et al.

The record in the case, and other papers pertaining thereto, are enclosed for your further information.

Very respectfully,

(Signed) R. G. Valentine,
Acting Commissioner.

ME-5

WCP JWH

May 28, 1909.

APPROVED:

(Signed) Frank Pierce,
First Assistant Secretary.

FWC

X G R 3843

Muskogee, Oklahoma, June 11, 1909.

**Malinda C. Satterfield,
Woolsey, Oklahoma,**

Madam:

You are hereby advised that on May 28, 1909, the Department held that the Mississippi Choctaw case of Malinda C. Satterfield, et al. is not analogous to that of John E. Goldsby and that no action can be taken looking to the enrollment of the applicants in that case under the opinion of the Supreme Court of the United States of November 30, 1908, in said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Dep. of the ... in ...
... , ... 14, 1900.

No. 3843

For Identification as a Mississippi Choctaw.

Date OCT 25 1901

Name Melinda C. Satterfield

Age 42 Blood $\frac{1}{8}$

Post Office, Burnsville, I. T.

Father: Hezestiah Ladd, d

Mother: Levina " d

Claims through mother
Husband
J. P. Satterfield, w.
No claim for husband

Children:

William J.	"	20
Nellie L.	"	16 18
Mollie M.	"	14 13
Harry C.	"	4

Claims for self
and children.

Stenographer Hal. Belford

Choctaw MCR 3844

George W. Pannell

MCR 3844

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

**In the matter of the application of George W. Pannell
for identification as a Mississippi Choctaw. M.C.B. 2844.**

**List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.**

**Original application of George W. Pannell
to the Bureau Commission for identification
as a Mississippi Choctaw.....1**

**Decision of the Commission denying the
application of George W. Pannell for
identification as a Mississippi Choctaw.....7.**

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 26, 1901.

#3844.

In the matter of the application of George W. Pannell
for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

George W. Pannell, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A George W. Pannell.
Q What? A George W. Pannell.
Q George what? A Pannell-----P-a-n-n-e-l-l .
Q George W.? A Yes sir.
Q What is your age? A Forty-eight years old.
Q What is your post office address? A Berwyn.
Q How do you spell that? A B-u-r-w-y-n .
Q w-i-n ? A w-y-n . It's "Y".
Q Indian Territory? A Yes sir.

United States Postal Guide examined and the name of
post office found to be Berwyn.

- Q How long have you lived there? A I have lived in the Chickasaw
Nation eleven years.
Q Where did you live before you lived there? A I lived in Texas.

(2).

- Q Where were you born? A I was born in Missouri.
Q What place? A Newton.
Q And from there you went where? A Sherman, Grayson County.
Q How long did you live at Sherman? A Twenty-two years.
Q Then you went where? A Went to Arkansas.
Q What place? A Crawford County.
Q How long did you live in Arkansas? A Two year.
Q And from there you went where? A Come back to Texas and stayed a year.
Q Then where did you go? A Went to the Territory. Been here ever since.
Q You have been here eleven years you say? A Yes sir.
Q What is your father's name? A Lemuel Snellens Pannell.
Q Lemuel what? A Snellins.
Q S.? A Yes sir.
Q Is he living? A No sir, he's dead.
Q What is your mother's name? A Her name is Martha Pannell.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A Sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory?
A Not that I know of.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Do you know when and where they were married? A They was married in Mississippi.
Q What place? A I think it was in Tishomingo County.
Q Do you know when? A No, I don't know exactly when. It has been several years.
Q Are you married? A Yes sir.
Q What is your wife's name? A Her name's Nancy Elisabeth Pannell.
Q What is her blood? A She's white.
Q White woman? A Yes sir.
Q Do you make any claim for her for identification? A No sir.
Q Have you any children under twenty-one years of age and unmarried you want to make application for? A Haven't any at all.
Q Just claim for yourself alone, do you? A That's all.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir, never did.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A Not that I know of.
Q Is this the first application you have ever made of any kind for citizenship in the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming an interest in the lands in the Choctaw Nation, Indian Territory, under Article XIV of the Treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Looks like I

(3).

- ought to. I heard it read enough yesterday afternoon.
- Q Well now, do you understand it? A I think I understand it just as well as though you was to read it a dozen.
- Q How many times to-day and yesterday do you think you heard it read and explained? A About seven or eight. I was here all the afternoon, but then of course you can read it again.
- Q Well, I will read the article to get it fresh on your memory and a part of the record. Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors complied or attempted to comply with any of these provisions of Article XIV of the Treaty of 1830? A No, not that I knew of.
- Q What is the name of your ancestor through whom you claim your right to be identified? A Why it's my grandmother.
- Q What was her name? A Her name was Mary King. That was her maiden name.
- Q What was her married name? A Pannell-----Mary Pannell.
- Q Did she live in Mississippi in 1830? A I couldn't tell you but she first come from Alabama. ~~We don't think she ever lived in~~ Mississippi. You see she was born in Alabama and they all moved over to Tennessee.
- Q She went? A I don't know. I was very small. She was there during the Treaty. I have heard her talk about it.
- Q Where? A She was in Alabama.
- Q Did she live in the old Choctaw Nation in Alabama? A I don't know. They said they never did get nothing-----their part of it.
- Q How much Choctaw blood did she have? A One-fourth.

(4).

- Q What was her physical appearance? A I couldn't tell you. I was very small. I ain't seen her since I was a little chap you know.
- Q How old were you when you seen her last? A I was about eleven or twelve I reckon. She went back to Tennessee and died.
- Q How long did she live in Alabama? A I couldn't tell you.
- Q Was she married in Alabama? A No, I think she was married in Tennessee.
- Q Where did she die? A She died in Tennessee.
- Q What part? A I think it was Franklin County.
- Q How old was she when she died? A She was about eighty years old.
- Q Did she speak the Choctaw language? A No sir. She talked kind of a brogue. She talked English though.
- Q Did she have an Indian name do you know? A No, I don't know whether she did or not.
- Q You claim through your father, Lemuel S. Pannell-----when did he die? A He died twenty-eight years ago.
- Q Twenty-eight-----how old was he when he died? A He was fifty years old.
- Q Then he was born before 1830? A Yes sir, yes.
- Q Where was he born? A Well, I don't know whether he was born in Tennessee or Alabama. I don't recollect. Couldn't tell you.
- Q You don't know what place he was born at then? A No sir. You see I was born in Missouri you know.
- Q What was his parent's name through whom he got his Choctaw blood? A King. His grandmother was names King before she married.
- Q What relation was he to Mary Pannell? A He was her son.
- Q That's it. Mary Pannell is his mother? A Yes sir.
- Q You claim through your grandmother? A Grandmother, yes sir.
- Q Maiden name? A King.
- Q What was Mary Pannell's husband's name? A Thomas.
- Q Thomas Pannell? A Thomas Pannell.
- Q Did your ancestors ever own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did your ancestors ever go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1840? A Not that I know of. I don't think they did.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there and become citizens of the United States? A I don't know whether they did or not. I have heard her talk. I don't know that they did.
- Q What did she ever say about that treaty that you remember? A She said she was there.
- Q Said she was where? A She was never in Mississippi only right at the time.
- Q What did you ever hear her say about that treaty? A Why she was telling us about of course how they did the Indians and so on you know.
- Q How they did the Indians? A Yes sir, and how they drove them from one place to the other and how they looked. Said she was with them, drifting you know.
- Q You don't remember anything more particularly? A No nothing particular. I did hear her talk about being there at that time.
- Q Being where? A In Alabama I think, is where she was, and then they went to Tennessee.
- Q Did you ever hear her say that she was at the treaty of Dancing Rabbit Creek-----at the place where it was made? A I don't

(5).

- remember. I have heard her talk about Dancing Rabbit Creek.
- Q Did she or any others of your ancestors ever own or claim any land in Mississippi or Alabama as Choctaw Indians under Article XIV of the Treaty of 1830? A I have heard grandfather did.
- Q What was his name? A I don't know his name. Now my great-grandfather was named King, but it seems I think through her mother and her name was Snellins and that's as far as I knew. I don't know the Goven name.
- Q Mary Pannell claimed her Choctaw blood through which parent, father or mother? A Her mother, I think.
- Q Her mother's name was what? A Snellins I think if I ain't forgot.
- Q Do you know her first name? A No, I don't know. Never knew their first names. You see I was raised in Missouri.
- Q You don't know anything positive about her parents? A No, nothing positive only what she said and what my father said.
- Q What did your father say? A Well, he always told me that I was one-sixteenth Choctaw Indians.
- Q Well? A Well, he said it was his grandmother, I think that claimed to be Indian.
- Q Can't think of her first name? A No, I don't know whether he ever told it or not.
- Q Did any of your ancestors ever claim or receive any benefit to whatever under any other Article of the Treaty of 1830 than Article XIV or under the supplement of that Treaty? A They say not.
- Q According to the Provisions of the Treaty of Dancing Rabbit Creek the United States Indian Agent, Colonel Ward who lived in Mississippi in 1830 was instructed by the Government to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the Treaty of 1830 and made declarations of intention to live in Mississippi and take land there.
- Q They did this within six months from the ratification of the Treaty of 1830, but the United States Indian Agent for some reason failed to make a record of the names of all of these applicants who came before him within the time limited in Article XIV, and because of his neglect a great many Choctaw Indians living in Mississippi and having land there and in Alabama had both their land and improvements upon it taken from them by the Government and sold. This caused a great many complaints among the Choctaw Indians so that in 1837 by Act of Congress that was approved March 3 of that year a Commission was appointed which Commission went to the State of Mississippi and heard claimants under Article XIV and made lists of the names of successful claimants who appeared before it. In 1842 another Commission was appointed by Congress for the same purpose and that Commission heard claimants under Article XIV and made lists of successful claimants. Did any of your ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits under Article XIV of that Treaty? A Not that I know of. I don't know what that was. You see that was all back in the old country the older ones was you know.
- Q The Act of Congress approved August 23, 1842 provided that if any claimant who appeared before it proved his claim under Article XIV if it appeared further that he had had his land taken from him previously by the Government, that he should be entitled to receive land either in Mississippi, Alabama, Louisiana or Arkansas, which he might select from vacant Government land in any of these states, and that a certificate, or as they called it then, scrip should be issued to him to that effect. Do you know if your an-

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scrip should be issued to him to that effect. Do you know if your ancestors ever received any such scrip from the Government?

A No, not that I know of.

Q Have you any documentary evidence you want to present now? A No sir.

Reasonable time will be allowed this applicant in which to present documentary or other proof in support of this application which he makes for himself. Also proof of the marriage of his father and mother.

Q Do you speak or understand the Chectaw language? A No sir, not to amount to anything. I have been with them a good deal but then I don't understand it much.

Q Is there anything more you want to say in support of your applications? A No, nothing that I know of.

This applicant has the appearance and physical characteristics of being descended from White parentage. Brown hair blue eyes and medium dark complexion. Has no knowledge of the Chectaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of the XIV article of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes hereported in full all the proceedings in the above entitled cause on October 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of December, 1901.

Samuel H. Hall
Notary Public.

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C.W.
COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Pannell
for identification as a Mississippi Choctaw, M.C.R. 3644.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by George W. Pannell for himself, under the following provision of
the act of Congress approved June 23, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descendant

of _____ Snellins, who is alleged to have been possessed of Choctaw blood, degree thereof not stated, and of Mary Pannell (nee King), who is alleged to have been a quarter blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that anyone bearing the surname of Snellins, or Mary Pannell (nee King), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Pannell as a Choctaw Indian entitled to rights in the

(17)

Shawnee lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSIONERS TO THE FIVE CIVILIZED TRIBES.

SIGNED

James Dixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,
DEC 17 1902

Muskogee, Indian Territory, December 17, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
 South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George W. Pannell, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Pannell as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 17, 1902.

George W. Pannell,

Berwyn, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George W. Pannell, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Pannell as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

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office, and that at the expiration of said time, the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

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James H. H. H.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of George W. Pannell, an applicant to the Commission for Identification as a Mississippi Choctaw, including the decision of the Commission of December 17, 1902.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamie Dixey

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc. M.C.R. 2844

Land
854-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs,

Washington, Feb. 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of George W. Pannell for identification as a Mississippi Choctaw claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicant bases his claim under this application on his descent from ----- Snellens and Mary Pannell, nee King, who, it is alleged, were Choctaw Indians and residents in the Choctaw Nation in 1830, through Lemuel Snellens Pannell.

The Commission rejected the applicant December 17, 1902, because the names of his ancestors do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicant has never been enrolled as a citizen of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Mary Pannell, nee King,

-2-

and Snellens; also Lemuel Snellens Pannell, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty. Neither does it appear that they applied to the commissions appointed under the Acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights as Choctaw Indians, if they had such rights.

This being the case it is respectfully recommended that the decision of the Commission rejecting the applicant be approved.

Very respectfully,

(Signed)

A. C. TONNER,
Acting Commissioner.

D.C.8431-1903.
I.T.D.2292-1903.
L.R.E.

C O P Y.
F.H.E.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

March 24, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 2, 1903, you transmitted the record in the case involving the application of George W. Pannell (M.C.R. 3844), for identification as a Mississippi Choctaw, including your decision of December 17, 1902, refusing to identify him as such.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendant of _____ Snellins, who is alleged to have been possessed of Choctaw blood, degree thereof not stated, and of Mary Pannell (nee King), who is alleged to have been a quarter blood Choctaw Indian.

The records fail to show that said applicant has ever been admitted or enrolled as a member of the Choctaw tribe of Indians, or that said ancestors complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

-8-

Reporting in the matter February 28, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed)

THOS RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 3844

COPY:

Muskogee, Indian Territory, March 31, 1903.

George W. Pannell,

Berwyn, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

Tame Bixby.
Chairman.

M. C. R. 3844.

COPY.

Muskogee, Indian Territory, March 31, 1903.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of George W. Pannell, of which decision you were advised by mail on the 17th day of December, 1902.

Respectfully,

Tamc Blady.
Chairman.

1964-1907

MUR 3844

Muskegee, Indian Territory, July 22, 1907.

George W. Pannell,

Berwyn, Indian Territory.

Dear Sir:

Replying to your letter of July 12th you are advised that your application for identification as a Mississippi Choctaw was refused both by the Commission to the Five Civilized Tribes and the Secretary of the Interior, and as the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, no consideration can now be given your claim.

Respectfully,

Acting Commissioner.

No. 3844

For Identification as a Mississippi Choctaw.

Date OCT 26 1901

Name George W. Pannell,

Age 48 Blood 1/16

Post Office, Berwyn, I. T.

Father: Lemuel S. Pannell. d

Mother: Martha " d

Claims through father _____
wife, Nancy E. _____ w.
No claim for wife -

~~Children:~~

Claims for self alone.

Stenographer Hal Belford.

Choctaw MCR 3845

James M. Higdon

See MCR 4228

MCR 3845

Department of the Interior.
Commission to the Five Civilized Tribes,
Atoka, Indian Territory, October 26, 1901.

#3545.

In the matter of the application of James M. Higdon
for the identification of himself and his six minor children, Ruby C.
Elizabeth E., Florence M., Effie L., John W., and Lena Higdon, as
Mississippi Choctaws.

Applicant not represented by attorney.

James M. Higdon, being firstduly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Higdon-----J. M. Higdon.
Q What does the "J" stand for? A James Mack Higdon.
Q James M.? A "M".
Q H-i-g-d-o-n? A a-s-u.
Q What is your age? A I was forty-seven last-----22nd of last
November.
Q What is your post office address? A Pittsburg, Grayson County,
Texas.
Q Where were you born? A In Tennessee.
Q At what place? A Giles County, Tennessee.
Q How long did you live in Tennessee? A I think I was about twenty
one, I believe when I left there.
Q Then you went to what place? A To Grayson County, Texas.
Q And have lived there since? A Yes sir.
Q What is your father's name? A Larkin Higdon.

(2).

- Q how do you spell that Larkin? A L-a-r-k-i-n , I think.
- Q Is he living? A No sir.
- Q What is your mother's name? A Her maiden name or her given name?
- Q Her given name? A Elizabeth.
- Q Elizabeth Higden? A Yes sir.
- Q Is she living? A No sir.
- Q Through which parent do you claim Choctaw blood? A My father.
- Q How much do you claim? A Well, I don't know sir. I think though he was about an eighth.
- Q You don't know sure? A No, sir I couldn't-----I was very small when he died. I have always been told that we was part Indian.
- Q Never been taught how much? A No sir.
- Q Have you the proof of the marriage of your father and mother with you now? A No sir.
- Q Do you know when and where they were married? A Yes sir, they was married in Tennessee.
- Q What part of Tennessee? A It was-----I don't know now whether it was Giles or Lawrence County. They have lived in both counties I think though it was in Giles County.
- Q What date? A I don't remember that either.
- Q Were they married by a minister under a license? A Well, I guess they was. That was the law when I could remember.
- Q You don't know though? A No sir, I don't know for certain.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I knew of.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mollie.
- Q What is her blood? A White.
- Q Do you make claim for her? A No sir.
- Q Have you children that you want to make application for? A Yes sir, I have six children.
- Q All under age and unmarried? A Yes sir.
- Q What is the name of the eldest? A Ruby Cecile.
- Q R-u-b-i-e or b-y ? A R-u-b-y .
- Q Ruby C.-----girl? A Yes sir.
- Q How old is she? A She's-----I think she'll be nineteen in December.
- Q What is the name of the next? A Pearl-----Elizabeth Pearl.
- Q Elizabeth Pearl, is it? A Yes sir, I think Elizabeth is the first name.
- Q How old is she? A She's about seventeen.
- Q The Next? A Florence May.
- Q How old? A About fifteen.
- Q Next? A The next name-----Effie Lee.
- Q How? A Effie Lee.
- Q Effie? A Yes sir.
- Q How old is she? A I think she's about thirteen.
- Q Next? A John Wayne, a boy.
- Q How? A John Wayne.
- Q How old is John? A He's about eleven.
- Q Next? A Lena.
- Q L-e-n-a ? A Yes sir.
- Q How old? A She was eight last April.
- Q Next? A That's all.
- Q Is Mollie the mother of these children? A Yes sir.
- Q You claim for yourself and these children do you? A Yes sir.

(3).

- Q You are the father of them? A Yes sir.
- Q Was your wife ever married before she married you? A No sir.
- Q Were you ever married before you married her? A No sir.
- Q When and where were you married to your wife Mollie? A In Sherman, Texas.
- Q What date? A In '81-----November, '81.
- Q What day of the month? A 17th, I think it was.
- Q Were you married by a minister under a license? A Yes sir-----No
- Q I was married by a County Judge under a license.
- Q Have you your marriage license and certificate with you? A No sir.
- Q Think you could get it? A Yes sir, I could get 'em very easy.
- Q You will be allowed reasonable time in which to file proof of the marriage of your father and mother, and the proof of the marriage of yourself and your wife. A Yes sir.
- Q Is your name or the name of any of these children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir, not that I knew of.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities for your self and children in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship for yourself and children in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1898? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for yourself and children for citizenship in the Choctaw Nation? A Yes sir.
- Q Either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand anything about that article of that Treaty? A No sir, I don't understand it.
- Q You know what a treaty is do you not? A Yes sir, I suppose I do. It's an agreement.
- Q It's an Agreement between Nations? A Yes sir.
- Q Instead of between people. Nations have to make contracts as well as individuals. A Yes sir.
- Q And the contracts they make are in writing and are signed by the representatives of each Nation and when it is made it is in writing and is called a treaty. A Yes sir.
- Q And it is composed of Articles from one up to as many as there are in it-----different parts of the Treaty-----and some treaties sometimes have supplements and some do not. That is simply an additional number of articles put on after it is finished and signed. A Yes sir.
- Q The treaty of 1830 and the supplement to the Treaty was made between the United States Government and the Choctaw Indians who in that year lived in Mississippi and Alabama in the old Choctaw Nation for the purpose of removing all of the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi River to the New Choctaw Nation west of the Mississippi River. Before the

(4).

Treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests Article XIV was put into the Treaty. Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied with any of those provisions of that Article or not? A No sir, I do not.
- Q You understand that don't you? A Yes sir, I think I do.
- Q What is the name of your ancestor through whom you claim your right to be identified, who was a Mississippi Choctaw? A Bryant was my grandmother.
- Q What is the full name? A Well, I don't know sir. I can find that out I think, but I don't remember myself. I was so small when my parents died.
- Q You claim through your father do you? A Yes sir.
- Q And his name was what? A Larkin Higdon.
- Q Where did he die? A In Giles County, Tennessee.
- Q When? A It was about '60-----I think it was in '61.
- Q How old was he when he died? A I don't know exactly. I think though he was about fifty years old. Fifty or fifty-one.
- Q Well, he was born about ninety years ago then? A He was born I think in 1812.
- Q 1812-----Now where was he born? A In Tennessee, in Giles County.
- Q He claimed his Choctaw blood through which parent, his father or

5).

- mother? A His mother.
- Q What was her name? A Her maiden name.
- Q Well, her name? A I don't remember her given name. Her maiden name was Bryant.
- Q That is this Bryant that you have given here? A Yes sir.
- Q That is your grandmother? A Yes sir.
- Q It is rather important, if you claim through her that you know what her name is. You will be allowed time in which to introduce evidence to prove what her name is, if she had an Indian name, if she had Choctaw blood, and if she complied with Article XIV of the Treaty of 1830. Now do you know where she was born? A No sir, I don't. That's as far back as I know anything about.
- Q Do you know where she died? A Well, she died in Tennessee, in Giles County.
- Q Do you know her age when she died? A No sir, I do not.
- Q Did she ever live in Mississippi or Alabama? A Not that I know of. I don't remember.
- Q Can you give the name of any ancestor who had Choctaw blood who lived in Mississippi or Alabama? A No sir.
- Q How can you establish your descent from a Mississippi Choctaw ancestor if you can't tell whether any of them ever lived in Mississippi or Alabama, or in the old Choctaw Nation in those two states? A Well, my understanding was that this Choctaw Country went on up into Tennessee; that the Tennesseans claimed under the same law of the Mississippi Choctaws.
- Q And you don't know of any ancestor then that actually lived in the old Choctaw Nation, or either in the state of Mississippi or Alabama? A No sir, our ancestors has all lived in Tennessee as far back as I can remember.
- Q How much Choctaw blood did you ever hear your grandmother Bryant had? A My understanding was she was a quarter.
- Q How do you know that she was a quarter? A Well, I have just heard my uncles and brothers talk about it-----older brother.
- Q That she was a quarter Choctaw? A Yes sir.
- Q Are you sure it was Choctaw Indian blood? A Well, I think it was I wouldn't be positively certain but that's what I always heard.
- Q That's your impression now? A Yes sir.
- Q Have you any proof that she was a Choctaw Indian or had any Choctaw blood, except what you have heard in the family, from members of the family? A No sir, that's all the proof I have, is just what I have heard through the family.
- Q You don't know how old she would be if living now? A No sir, I don't.
- Q Do you know the name of any Choctaw ancestor who was the head of a family in Mississippi or Alabama in 1830? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of them ever go to the Indian Agent within six months after the ratification of the Treaty of 1830 and tell him they intended to stay in Mississippi or in the old Choctaw Nation and take land there and become citizens of the States? A Not that I know of.
- Q Did any of them go to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them receive any or claim any land or any benefits under Article XIV of the Treaty of 1830? A Not that I know of.
- Q Did any of your ancestors-----your Choctaw ancestors-----receive or claim any benefits or any land under any other Article of the

(6).

treaty of 1830 than Article XIV or under the supplement of that treaty? A No sir, not that I know of.

Q According to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek the United States Indian Agent, Colonel Ward was required to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the Treaty of 1830 and declared their intentions to remain in Mississippi or Alabama, that is in the old Choctaw Nation, and take land there and become citizens of the States, not going to the Indian Territory. The Agent made a list called Ward's register, but failed to place upon it the names of all Indians who did make application to him within the time stated in Article XIV, and as a result a great many Choctaw Indians who lived in Mississippi and Alabama and had land there had that land and the improvements upon it taken from them by the Government and sold. This caused a great many complaints among the Indians and as a result in 1837 Congress by an Act of Congress approved March 3, of that year, appointed a Commission and this Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. Congress also appointed another Commission in 1842 for the same purpose, and they went to Mississippi and heard claimants under that Article of that treaty. Did any of your Choctaw ancestors to your knowledge go before either of those Commissions and claim benefits as Choctaw Indians under Article XIV? A Not that I know of.

Q The Act of Congress approved August 23, 1842 provided that if any claimant who came before it proved his claim under Article XIV of the Treaty of Dancing Rabbit Creek, if it further appeared that he had previously had his land taken from him by the Government that he should be entitled to select land, either in Mississippi Alabama, Louisiana or Arkansas to be taken from vacant Government land and that a certificate or scrip should be issued to him to that effect; did any of your Choctaw ancestors receive any such scrip from the Government of the United States as Choctaw Indians? A Not that I know of.

Q Have you any documentary evidence that you would like to present now? A No sir.

Reasonable time will be allowed this applicant in which to file evidence or any proper proof in support of the application which he makes for himself and these children. Also the proof of the marriage of his father and mother, and his own marriage with his wife Mollie.

Q Do you speak the Choctaw language, or understand it? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has medium

(7).

dark complexion, black eyes, and dark hair, a little gray. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of December, 1901

Charles Mitchell Wood
Notary Public.

Chickasaw 330
" 331
" 337
" 349

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, Indian Territory,
March 10, 1903.

In the matter of the enrollment of Albert W. Perry, et al., as citizens of the Chickasaw Nation.

Laura DeArmon, being first duly sworn testifies:

EXAMINATION BY THE COMMISSION:

- Q What is your name ? A. Laura DeArmon.
Q What is your name ? A. Twenty-two.
Q What is your post office address ? A. Iron Bridge, I. T.
Q What Nation is that in ? A. Choctaw Nation.
Q How long have you been a resident of the Choctaw Nation ? A. All my life.
Q Never made your home any where else ? A. No, sir, I have lived in the Choctaw Nation all my life.
Q Do you claim the right to enrollment as a citizen by blood of the Chickasaw Nation ? A. Yes, sir.
Q What is the name of your father ? A. Albert Wesley Perry.
Q Is he a citizen by blood of the Chickasaw Nation ? A. Yes, sir.
Q Is your father living ? A. No, sir.
Q Dead ? A. Yes, sir.
Q When did he die ? A. January 24.
Q What year ? A. 1902.
Q What is the name of your mother ? A. My mother was Tobitha Perry.
Q Was she a white woman or an Indian ? A. White woman.
Q Is she living or dead ? A. Dead.
Q When did she die ? A. She died the 28th day of October.
Q What year ? A. 1896.
Q You claim your Indian blood through your father ? A. Yes, sir.
Q Have you any sisters or brothers ? A. Yes, sir, four sisters.
Q Give their names please ? A. Luella Dilbeck, Rutha Rucker, Ida Fay Perry and Maud Perry.
Q Any more ? A. I have three step sisters -- half brothers and sisters.
Q This is all your full sisters or brothers ? A. Yes, sir.
Q Have you or your sisters ever been enrolled or recognized by the tribal authorities of the Chickasaw Nation as citizen of that tribe ? A. Yes, sir.
Q When were you so recognized and enrolled ? A. We have been enrolled all the time I think, until we went to Wister -- we registered at Tishomingo and Stonewall.

- Q That was by the Dawes Commission ? A. Yes, sir.
- Q I am speaking now of any tribal recognition -- were your names ever put upon any of the tribal rolls of the citizens of the Chickasaw Nation ? A. Yes, sir. I reckon so.
- Q Did you ever draw any money ? A. Yes, sir.
- Q Did you draw any money at the time of the last payment to the Chickasaw Indians ? A. Yes, sir.
- Q Do you remember when that was ? A. In 1893 I think.
- Q That was known as the Leased District Payment ? A. Yes, sir.
- Q How much did you get at that time ? A. One hundred and thirty dollars.
- Q How many sisters did you have living at that time ? A. Four.
- Q Those you have mentioned ? A. Yes, sir.
- Q How many of your family drew this money ? A. All of us.
- Q Yourself, your father and your four sisters ? A. Yes, sir.
- Q Where were you living at that time ? A. At ~~Star~~ Star.
- Q You were living at Star ? A. Yes, sir.
- Q That in the Choctaw Nation ? A. Yes, sir.
- Q Do you know who paid you that money ? A. No, sir. My father went and he drew all of our money for us.
- Q How old were you at that time ? A. I was fourteen years old.
- Q Do you remember distinctly the fact that it was one hundred and thirty dollars that you got at that time ? A. Yes, sir.
- Q And your father and sisters got the same amount ? A. Yes, sir.
- Q Was your father ever known by the name of E. W. Perry ? A. No, sir, not that I know of.
- Q His correct name was Albert ? A. Yes, sir.
- Q Has your sister Luella Dilbeck any children ? A. Yes, sir.
- Q How many ? A. Two.
- Q What are their names ? A. One is dead -- the last one -- it is Lester B.
- Q He is dead ? A. Yes, sir.
- Q What is the name of the living child ? A. Floyd Edwin Dilbeck.
- Q Has Rutha Rucker any children ? A. Yes, sir, one living.
- Q What is its name ? A. Mamie Arenia.
- Q Are Ida Fay and Maud married ? A. No, sir.
- Q Single ? A. Yes, sir.
- Q Have you any children living ? A. Yes, sir, two -- Ester Lee and Ora May.
- Q Are both these children living ? A. Yes, sir.
- Q Do you know whether any of your family's names were placed up-on the 1896 census roll of the citizens of the Chickasaw Nation ? A. Yes, sir.
- Q Who enrolled you that time ? A. My husband's father.
- Q What was his name ? A. T. C. DeArmon.
- Q Was he the man that was enrolling the Chickasaws there at that time ? A. He married my mother and he went up there and registered us children. All of us.

-:-

Fred V. Kinkade, being first duly sworn, on his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause

Chickasaw 330-331-347-349 - page 3

At Atoka, Indian Territory, March 10, 1903; that the above and foregoing is a true, full and correct transcript of his stenographic notes as taken therein.

Fred W. Kinsale

Subscribed and sworn to before me this 11 day of March, 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKE, I.T. March 11, 1903.

Chickasaw 330
" 331
" 347
" 349

In the matter of the application of Albert W. Perry, et al.,
as citizens by blood of the Chickasaw Nation.

Luella Dilbeck being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Luella Dilbeck.
Q How old are you? A Twenty five.
Q What is your post office address? A Delburg.
Q What nation is that in? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A Four years.
Q Have you lived there continuously for the past four years?
A Yes sir.
Q Where did you live previous to that? A In Choctaw nation.
Q How long did you live in the Choctaw nation? A About 19 or 20 years.
Q All of your life previous to your removal to the Chickasaw Nation? A Yes sir.
Q You claim the right to enrollment as a citizen by blood of the Chickasaw Nation, do you? A Yes sir.
Q What is the name of your father? A Albert W. Perry.
Q Is he dead? A Yes sir.
Q Was he a citizen by blood of the Chickasaw Nation? A Yes sir.
Q What was the name of your mother? A Tebitha Foster.
Q Was she a white woman or Indian? A Yes, white woman.
Q Is she dead? A Yes sir.
Q Have you got any brothers or sisters? A I have five sisters; no brothers at all. Well; I have two half-brothers too.
Q Will you give the names of your full sisters? A Laura DeArmon; Ruth Rucker, Ida Fay Perry, Maude D. Perry.
Q These are all of your full sisters? A Yes sir.
Q Were you and your family ever recognized and enrolled as citizens by blood of the Chickasaw Nation? A Yes sir.
Q When were you so recognized or enrolled? A We enrolled last Fall.
Q Did you ever draw any money as citizens of the Chickasaw Nation?
A Yes sir.
Q When was that? A In '83 I believe; or '83.
Q How long ago? A I don't remember; I was small when we drew.
Q About how old were you then? A I don't know just how old.
Q How much money did you draw, each one of you? A I don't remember just how much; I think it was something over \$100.00; it seems like it was.
Q About how old were you then? A No sir, I don't remember.
Q Do you remember the fact that you drew this money- distinctly?
A Yes sir.
Q Do you know whether that was called the Leased District Payment?
A I don't know.

L.Dilbeck----2

Q Did your father and your four sisters all draw this money? A Yes sir.

Q Where were you located at that time? A In the Choctaw nation.

Q Is your name and the names of any of the rest of your family placed upon the 1896 Census roll of citizens of the Choctaw Nation? A I don't know.

Q How many children have you? A Two; and one dead.

Q What's the name of the living ones. A Floyd Edwin is the oldest one and we have never named the other one yet.

Q When was the last one born? A The 28th of December.

Q 1902? A yes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony on March 11, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of March, 1903.

Charles H. Hains

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. March 12, 1903.

Chickasaw 330
" 331
" 347
" 349

In the matter of the application for enrollment of Luella Dilbeck et al., as citizens by blood of the Chickasaw Nation.

Annie M. Perry being duly sworn testified as follows:

Examination by the Commission:

- Q State your name, age and post office address? A Annie M. Perry; 32; Star, Indian Territory.
- Q You were formerly the wife of Albert W. Perry? A Yes sir.
- Q He was a citizen by blood of the Chickasaw Nation? A Yes sir.
- Q When were you married to him? A In '93 and '94.
- Q Were you living with him in '93? A Yes sir.
- Q Do you know of any payment of tribal funds having been made to him in that year? A Yes sir.
- Q What payment was that? A Well, I don't know what payment but I know the payment was made.
- Q Do you know how much money he got? A \$131 or \$132 the best I remember.
- Q Did he draw any money for the rest of his family? A Yes, for all his children.
- Q How many children did he have at that time? A Five.
- Q What were their names? A Luella, Laura, Ruth, Fay and Maud.
- Q His family consisted of these five girls at that time? A Yes sir.
- Q He drew money for himself and these five children? A Yes sir.
- Q Where was he living at that time? A Star, Choctaw nation.
- Q Do you know who drew this money for him? Did he get it himself? A He drew it himself.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony March 12, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of March, 1903.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. March 12, 1903.

9-330

In the matter of the application of Annie M. Perry for enrollment as an inter-married citizen of the Chickasaw Nation.

Annie M. Perry being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Annie M. Perry.
- Q How old are you? A Thirty two.
- Q What is your post office address? A Starr.
- Q What Nation is that in? A Choctaw.
- Q How long have you resided in the Choctaw Nation? A Thirteen years.
- Q Have you lived here continuously for the past thirteen years?
- A Yes sir.
- Q Never made your home anywhere else during that time? A No sir.
- Q Are you a white woman? A Yes sir.
- Q Do you claim the right to enrollment as an inter-married citizen of the Chickasaw Nation? A Yes sir.
- Q What is the name of your Chickasaw husband through whom you claim this right? A Albert W. Perry.
- Q Is he an enrolled and recognized citizen of the Chickasaw Nation? By blood? A Yes sir.
- Q His rights as such were never disputed? A No sir.
- Q When were you married to this man? A In '93.
- Q Where was this marriage ceremony performed? A Well, we were married according to the Choctaw laws here at this place and then according to the United States' later at Ft. Smith.
- Q Were you married twice? A Yes sir.
- Q Which was the first marriage? A The Choctaw.
- Q Where were you living at that time? A Starr, Indian Territory.
- Q Where was your husband living? A He was living there.
- Q Did you take out a marriage license from the Choctaw tribal authorities? A No sir, we didn't take out.
- Q Were you married by a minister? A By a judge.
- Q What was his name? A I declare I don't know his name; I have forgotten it.
- Q Afterwards you re-married the same man under the laws of the State of Arkansas; what was the reason for this second marriage?
- A Well, some one told us that the Choctaw law wasn't a legal marriage, we had no license, and I didn't know.
- Q At the time of both of these marriages both you and your husband were living in the Choctaw Nation, were you? A Yes sir.
- Q Were you ever married before your marriage to Albert W. Perry?
- A No sir.
- Q Was he ever married before his marriage to you? A Yes sir.
- Q How many times before? A Once.
- Q What was the name of his former wife? A Tobitha Foster.
- Q Was she living at the time of your marriage to him? A Yes sir.
- Q Had they been divorced? A Yes sir.
- Q Is Albert W. Perry dead? A Yes sir.
- Q When did he die? A January 1902.
- Q Did you live with him continuously from the time of your first marriage to him up till his death as his wife? A Yes sir.

A.M.Perry----2

Q There has been no separation of any kind whatsoever? A No sir.
Q Have you re-married since his death? A No sir.

Examination by S.E.Lewis:

Mrs. Perry, wasn't the reason of your second marriage the fact that Mr. Perry found out that he wasn't legally divorced from his first wife? A No sir, I reckon not.

Q Well, he got a divorce after he married you; I was there and saw it. And there was one child the first you have you all had I think that has been declared illegal; the eldest one I suppose. A Our oldest child is dead.

Q There was one called Luella Perry that was on the Cheetaw roll- A That's by his first wife.

Q Were all these children here after this second marriage? A Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony March 12, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 17 day of March, 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHOCTAW LAND OFFICE,

Atoka, Indian Territory, July 31, 1903.

Chick. R. 4572-73-74.

-1-

Chick. Card 330.

In the matter of the selection of lands by Annie M. Perry for her minor children, Conce D. and Allen Wesley Perry and her minor ward Maude Perry, whose names appear upon Chickasaw enrollment card field No. 330, approved roll Nos. 4572, 4573, and 4574.

Annie M. Perry being sworn testifies as follows:

Examination by the Commission:

- Q What is your name ? A Annie M. Perry.
Q What is your age, Mrs. Perry ? A Thirty years.
Q What is your post office address ? A Star, Indian Territory.
Q Are you married ? A I am a widow.
Q What was the name of your husband ? A Albert W. Perry.
Q When did he die ? A 23rd day of January 1902.
Q Are you an applicant for intermarried rights in the Chickasaw Nation ? A Yes, sir, I am.
Q You are a white woman are you ? A Yes, sir.
Q You have been appointed guardian for your minor children for whom you are making application have you, also for your step-child Maude Perry ? A Yes, sir, I have.

There is here offered in evidence letter of guardianship issued by John W. Myers, County and Probate Clerk of Sans Bois County, Choctaw Nation, to the appointment of M. A. Perry as guardian of the persons and estates of Maud D., Irena J., Conce D. and Allen W. Perry, dated July 6, 1903.

- Q The letters of guardianship which you present, Mrs. Perry, state that "M. A. Perry" was appointed as guardian -- is that a mistake of the Clerk of the Court and was it intended to be made out in your name "A. M. Perry" ? A Yes, sir.
Q The name of this child Maude is given as "M-a-u-d" initial "P" now is that name Maude correctly spelled ? A Yes, sir, that is right -- it is "M-a-u-d".
Q Is this child M-a-u-d D. Perry identical with the child which is listed for enrollment under the name of M-a-u-d-e Perry who was enrolled by the Commission to the Five Civilized Tribes as a citizen by blood of the Chickasaw Nation and whose enrollment as such was approved by the Secretary of the Interior on July 11, 1903 ? A Yes, sir, the same.

Muskogee, Indian Territory, August 8, 1900.

Mr. J. V. Fenn,

Doellington, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of August 1st, with which you inclose affidavits in regard to your marriage to your first wife, Tebitha Foster, and the same have been duly filed with the records of the Commission.

Your statement in regard to the name of your present wife has also been noted, and made a part of the record.

Yours truly,

Acting Chairman.

Muskegee, Indian Territory, November 22, 1900.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 15th instant in which you state you have been informed that Annie Perry, of Hartshorne, Indian Territory, heretofore listed for enrollment as an intermarried citizen of the Chickasaw Nation has married a non citizen.

You request to be furnished with the number of the card upon which her name appears, her post-office address as it appears on said card, and the name of the Indian through whom she claims her right to enrollment.

You also desire to be advised if from the records of this Commission it appears she has complied with the intermarriage laws of the Choctaw Nation and if there is on file her marriage certificate.

You are informed that the records of the Commission show that Annie M. Perry, 25 years of age, of Hartshorne, Indian Territory, was listed for enrollment by this Commission, September 7th, 1898, as an intermarried citizen of the Chickasaw Nation, claiming her right to enrollment as the wife of Albert W. Perry, a citizen by blood of the Chickasaw Nation.

There is on file with the records of the Commission the

marriage license and certificate of A. W. Perry, to Mahala A. Deed, under the laws of the state of Arkansas, said marriage license and certificate bearing date of the 22nd day of November, 1894.

Also a copy of a letter from A. W. Perry of the 17th of June, 1900, addressed to the Commission in answer to an inquiry in which he says he was not married to his wife under the Choctaw law, and in which he states as follows: "Please find enclosed such marriage licenses to my last wife. I will also state you will find her name is spelled wrong Mahala A. Perry. It was put on record as Annie M. Perry."

There is not on file with the records in this case any testimony having been given by any of the interested parties to this application.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, March 5, 1901.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you desire to be furnished with the number of the card upon which the name of Annie M. Perry, an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation, appears.

We have to inform you that it appears from our records that on September 7, 1898, Albert W. Perry, thirty-nine years of age, of Star, Indian Territory, appeared before the Commission and made application for the enrollment of himself, his wife, Annie M. Perry, as a citizen by intermarriage, and of his children, Emma J., Conce D., Ida Fay and Maudie Perry, as citizens of the Chickasaw Nation.

The names of these persons appear upon our records upon Chickasaw roll card, Field Number, 530.

Yours truly,

Acting Chairman.

9-330.

Muskogee, Indian Territory, January 11, 1908.

James M. Higdon,
Pottshere, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of recent date inclosing affidavits of Elvira Braden and J. A. Farley and certificate of Dan L. Mallick, Clerk of the County Court of Giles County, Tennessee, to the destruction of the marriage records in that county during the civil war. The same have been filed with the record in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

In reply to your inquiry as to whether you will be permitted to offer additional evidence in support of your claim, you are advised that the Commission is averse to accepting affidavits in support of applications for identification as Mississippi Choctaws, and desires, whenever it is possible, to examine the witnesses in person. The Commission will hear the testimony of such witnesses as may present themselves at its office at Muskogee, Indian Territory, in support of your claim. If your witnesses live in Mississippi they will be heard at the office of the Commission at Meridian, Mississippi, between January 15, and February 15, 1908. If you are unable to

J.M.H. 2

secure the personal attendance of witnesses, because of nonresidence or on any other ground, which, under the rules of the Commission, would constitute inability, their depositions will be considered, if taken in accordance with the rules and regulations of the Commission governing the taking of depositions in support of applications for identification as Mississippi Cheaters, a copy of which is inclosed you herewith.

Yours truly,

Commissioner in Charge.

Rules for taking
depositions.

MO 3845

Maskogee, Indian Territory, January 14, 1902.

James M. Higdon,
Pottshore, Texas,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between J. M. Higdon and M. M. Witten, which is offered for filing in support of the application of James M. Higdon, et al. for identification as Missing ppl Choctaws. The same has been made a part of the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

MO 3845

Muskogee, Indian Territory, February 1, 1902.

Albert W. Perry,

Star, Indian Territory.

Dear Sir:

It does not appear from the records of the Commission that any proof of the birth of your child, Conce D. Perry, has been furnished in the matter of his enrollment as a citizen of the Chickasaw Nation. It is necessary that the same be supplied.

In order to assist you in this matter a blank for that purpose is inclosed you herewith. In having the same executed be careful to see that all blanks are properly filled, all names are written in full, and in the event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark that such signatures be attested by two disinterested parties witnesses thereto.

The notary public before whom the affidavits are acknowledged must affix his notarial jurat and seal to each separate affidavit.

This matter should receive prompt attention as the affidavits are essential in the matter of the enrollment of your child.

Yours truly,

Env.
B. C.
9-330

Acting Chairman.

Muskogee, Indian Territory, February 7, 1902.

Albert W. Perry,

Star, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Chickasaw Nation of Allen Wesley Perry, the infant son of Albert W. and Mahala Perry, born August 24, 1901, and the same being in proper form has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, February 11, 1902.

Albert W. Perry,

Star, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Mahala A. Perry and James B. Beckett, as to the birth of Gence D. Perry, the son of Albert W. and Mahala A. Perry, on the 16th day of August, 1898, and the same being in proper form have been accepted and filed with the records of this office as evidence of the birth of this child.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 25, 1902.

A. J. Moore,

Cartersville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you request that there be furnished you a copy of the division of the estate of A. W. and Tobitha Perry and also the marriage certificate of Al Perry to Mahala A. Perry as A. W. Perry is dead and you desire proof of his lawful marriage, and that if the Commission cannot supply you with the originals of these papers that duplicates be made and forwarded you.

Replying to your communication you are advised that we cannot comply with your request in this matter. The Commission cannot permit the withdrawal of original papers filed in the matter of applications of persons for enrollment as citizens of the Choctaw and Chickasaw Nations nor can we ascertain how you are in any manner interested in the rights to enrollment of A. W. Perry and his family.

If you have been employed by this family to represent their interests and desire a copy of the papers named in your

A J M B

communication, upon the authorization from the proper person, you will be permitted to make a copy of such papers as may be on file in this case at the office of the Commission at Muskegee, Indian Territory. Under no consideration however, can we permit even the temporary withdrawal of such papers for the purpose of having copies made.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 3845

Muskogee, Indian Territory, July 14, 1902.

James Mack Higdon,
Pottsboro, Texas.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy A. C. Fry, et al., embracing the following applications for identification as Mississippi Cherokees:

Nancy A. C. Fry, et al.,	M.C.R. 4228
Henry C. Fry, et al.,	M.C.R. 4244
David Louis Fry, et al.,	M.C.R. 4381
Alice E. Tidwell, et al.,	M.C.R. 4237
William W. Fry,	M.C.R. 4243
James F. Fry,	M.C.R. 4248
Martha H. Cole, et al.,	M.C.R. 4128
Boulah L. Francis, et al.,	M.C.R. 4129
John Brantley Cole,	M.C.R. 4040
Dave Higdon, et al.,	M.C.R. 4039
James Mack Higdon, et al.,	M.C.R. 3845
Ben Reynolds,	M.C.R. 4246
James Buckner Reynolds, et al.,	M.C.R. 4584
William D. Reynolds, et al.,	M.C.R. 4585
George Reynolds,	M.C.R. 4766
Alice H. Wagstaff, et al.,	M.C.R. 4230
Allie Mai Wagstaff, et al.,	M.C.R. 4231
William A. Higdon, et al.,	M.C.R. 4672
Kate E. Shields, et al.,	M.C.R. 4229
Elizabeth H. McEwen, et al.,	M.C.R. 4224
Helen D. Higdon,	M.C.R. 4242
Emma B. Melitz, et al.,	M.C.R. 4226

These applications were made under the provisions of the

act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. C. Fry, Sallie M. Fry, Henry C. Fry, Bessie Fry, Minnie Edna Fry, Robert Mitchell Fry, David Louie Fry, Reberta Fisher Fry, Alice E. Tidwell, Tyree A. Tidwell, Elsie G. Tidwell, Rubie A. Tidwell, James W. Tidwell, Lucy Tidwell, William W. Fry, James F. Fry, Martha H. Cole, Henry Walter Cole, Edwin E. Cole, Beulah L. Francis, Myrtle B. Francis, Forest F. Francis, Bertha M. Francis, James Roy Francis, Thomas R. Francis, Henry W. Francis, John Brantley Cole, Dave Higdon, Ada May Higdon, John Maxey Higdon, Julius D. Higdon, James Mack Higdon, Ruby Cecil Higdon, Elizabeth Pearl Higdon, Florence May Higdon, Effie Lee Higdon, John Wayne Higdon, Lena Higdon, Ben Reynolds, James Buckner Reynolds, Gill Reynolds, Albert Reynolds, Nellie Reynolds, Hubbard Reynolds, Johnnie Reynolds, Thomas Reynolds, Clarence Reynolds, William D. Reynolds, Lillie May Reynolds, George Reynolds, Alice H. Wagstaff, Clyde H. Wagstaff, Annie C. Wagstaff, Allie Mai Wagstaff, Ella Lee Wagstaff, William A. Higdon, Helen B. Higdon, John W. Higdon, Kate H. Shields, Elsie Shields, Ada Shields, Albert Shields, Ruth S. Shields, Robert Shields, James Shields, Elizabeth H. McKennon, Katherine E. McKennon, Emma D. McKennon, Helen D. Higdon, Emma B. Helts and Morgan H. Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such ac-

J M H -----S

tion as may be taken by him.

Yours truly,

(SIGNED)

Registered.

James Bixby.

Acting Chairman.

Muskogee, Indian Territory, July 19, 1902.

J. B. Cole,

R.F.D. No.3., Whitesboro, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., wherein you ask for the following information: "in regard to the J. M. Higdon case as Mississippi Choctaw, when will the case be called for hearing, has there been any proof sent in our case by G. W. Goodwin, has there been any witnesses before the Court in Miss., in our case". You state, "we sent G. W. Goodwin to Mississippi to find evidence in our case and if all he tells is true we have a sure thing."

In reply you are informed that it appears from our records that James M. Higdon appeared before this Commission and made application for the identification of himself and his minor children as Mississippi Choctaws. This case was consolidated, and considered with the applications for identification as Mississippi Choctaws of Mary A. G. Fry, and certain other persons claiming descent from the same common ancestor, Ann Bryant, who married John Higdon.

The Commission, on July 14, 1902, rendered its decision

refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy A. C. Fry, et al., and on the same date notified the several applicants therein of such decision and forwarded the record in the case to the Secretary of the Interior for review. The several applicants in this consolidated case will be notified in due time of such action as may be taken by him.

The only evidence submitted in this consolidated case, aside from the oral testimony of the applicants therein, is the certificate of R. B. Abernathie, Clerk, as to the marriage of H. C. Fry and Z. D. Davidson; certificate of marriage between D. L. Fry and Melisse Akdison; copy of marriage record between Dave Higdon and Ella V. Bowers; ex parte affidavit of J. A. Farley; ex parte affidavit of Elvira Brakden; certificate of Dan L. Eslick, Clerk, Giles Co., Court, Tennessee; copy of marriage record between J. M. Higdon and M. H. Whitten; certificate of R. B. Abernathie, Clerk, as to marriage record between R. D. Reynolds and Adda Pinkleton; certificate of Dan L. Eslick, as to marriage record between W.D. Reynolds and Alvin G. Webster; certificate of Dan L. Eslick, Clerk, Giles County Court, Tennessee; certificate of Dan L. Eslick, as to the marriage record between Alice Higdon and John P. Wagstaff; certificate of Dan L. Eslick, Clerk, Giles Co., Court, Tennessee; copy of marriage record between John W. Higdon and Sallie P. Reynolds;

J. B. C—3

copies of letters of guardianship issued to Gallie P. Higdon on the persons of William, Helen D., and John W. Higdon; certificate of A. L. Thomas, Clerk, Henry Co., Tennessee; letters of guardianship issued to Kate H. Shields on Eliza, Ada, Albert, Ruth, Robert and James Shields; certificate of R. B. Abernethy as to the marriage record between Beulah H. Higdon, and A. O. McHennen; letters of guardianship issued to Emma B. Holts of Mergus H. Carter; certificate of R. B. Abernethy, Clerk, as to marriage record between Cornelia H. Higdon and R. H. Carter.

The records of the Commission do not show that the oral testimony of any witnesses was heard by the Commission at any of its appointments in the State of Mississippi.

Yours truly,

Commissioner in charge.

Muskogee, Indian Territory, September 4, 1908.

Mrs. M. Annie Perry,
Star, Indian Territory,

Dear Madam:

In the matter of the application of yourself and children as citizens of the Chickasaw Nation, it is necessary that you appear in person before the Commission at its office in Muskogee, Indian Territory, at your very earliest convenience, and testify as to the reason for the names of yourself, your husband, and your children who were then living, not appearing upon the Chickasaw census roll of 1896.

The Commission has information that your husband, Albert W. Perry is dead. If this is the case you are kindly requested to have the enclosed blank proof of death properly executed and return with as little delay as possible. You will notice that there is a blank for the affidavit of a relative and an acquaintance. Both of these blanks should be properly filled, all names written in full, and the affidavits sworn to before a notary public. Should the relative or acquaintance making affidavit be unable to write, and their signatures are by mark, it will be necessary that such signatures be attested by two disinterested parties as witnesses thereto.

Mrs. E. Annie Ferguson

An envelope for your reply is enclosed herewith, which re-
quires no postage.

Yours truly,

Acting Chairman.

D.S.

Enc.

9-330.

Muskogee, Indian Territory. November 7, 1902.

W.F. Dilbeck,

Dolberg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 19, 1902, enclosing your affidavit and that of J.C. Dilbeck relative to the death of A.W. Perry, a citizen by blood of the Chickasaw Nation, which occurred January 23, 1902; and the same being in proper form have been duly filed with the records of the Commission as evidence of death of the above named person.

Respectfully,

Acting Chairman.

Chickasaw 330

Muskogee, Indian Territory, January 12, 1903.

Varner & Buckley,

Attorneys at Law,

Poteau, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 18, 1902, in which you ask what steps Mrs. Anna Perry and the children of A. W. Perry should take in order to be transferred from the Chickasaw to the Choctaw roll, as they live in the Choctaw Nation and wish to attend the Choctaw schools.

In reply to your letter you are informed that it appears from our records that Emma J. Perry, George D. Perry, Ida Fay Perry, Maude Perry and Allen Wesley, children of Albert W. Perry, have been listed for enrollment as citizens by blood of the Chickasaw Nation, and Annie M. Perry has been listed for enrollment as an intermarried citizen of the Chickasaw Nation, having been identified from the tribal rolls of the said nation. It not appearing that they were ever enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation, it is impossible to comply with their request to be transferred from the Chickasaw to the Choctaw roll.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 27, 1903.

Mrs. Annie M. Perry,

Star, Indian Territory.

Dear Madam:

This office is today in receipt of a request from W.F. Dilbeoy, Delberg, Indian Territory, that an application for the enrollment of an infant child be sent to your address. A blank of such description is herewith enclosed you.

Your attention, however, is invited to a provision of section 34 of the act of Congress approved July 1, 1902, which was ratified by the citizens of of the Choctaw and Chickasaw Nations September 25, 1902, as follows:

"During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as 'delinquents,' and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act by Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days."

Respectfully,

B.C.

Acting Chairman.

Muskogee, Indian Territory, March 20, 1903.

Mrs. Albert W. Perry,

Care of F. W. Dilbeck,

Dolberg, Indian Territory.

Dear Madam:-

In the matter of the enrollment of your daughter, Emma J. Perry, as a citizen of the Chickasaw Nation, it does not appear that any affidavit as to the birth of this child has ever been filed with the Commission, and you should, therefore, immediately fill out and return to the Commission the enclosed blank affidavit.

In having the same executed be careful to see that all blank spaces are properly filled, all names written in full, and that the notary public before whom the affidavits are acknowledged attaches his name and seal to each separate affidavit. In case any signatures are by mark they must be attested by two disinterested parties, witnesses thereto.

This matter must receive your immediate attention as until this affidavit is received nothing further can be done in the matter of the enrollment of your daughter as a citizen of the Chickasaw Nation.

Respectfully,

B.C.
Env.

Chairman.

Muskogee, Indian Territory, September 18, 1902.

Albert W. Perry,
Star, Indian Territory,

Dear Sir:

In the matter of the application for the enrollment of yourself and family as citizens of the Chickasaw Nation, it is necessary that the Commission be informed as to whether you drew a share of the leased district payment in 1893, and, if so, how many members of your family participated therein; as to where your place of residence was at that time and whether your name appeared upon the 1893 Chickasaw pay-roll as E. W. Perry. This matter should receive your immediate attention.

An envelope for your reply is enclosed herewith, which requires no postage.

Yours truly,

Acting Chairman.

Env.

Muskogee, Indian Territory, December 22, 1902.

Mrs. Albert W. Perry,
Care of F. W. Dilbeck,
Dolberg, Indian Territory.

Dear Madam:-

In the matter of the enrollment of your daughter, Emma J. Perry, as a citizen of the Chickasaw Nation, it does not appear that any affidavit as to the birth of this child has ever been filed with the Commission and therefore you should immediately fill out and return to the Commission the enclosed blank affidavit.

In having the same executed be careful to see that all blank spaces are properly filled, all names written in full, and that the notary public before whom the affidavits are sworn to attaches his name and seal to each separate affidavit. In case any signatures are by mark they must be attested by two disinterested parties, witnesses thereto.

This matter must receive your immediate attention as until this affidavit is received nothing further can be done in the matter of the enrollment of your daughter as a citizen of the Chickasaw Nation.

Respectfully,

B.C.
Env.

Acting Chairman.

Chickasaw 350

Muskogee, Indian Territory, October 14, 1902.

Frank W. Dilbeck,

Delberg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 6, asking if the name of A. W. Perry has been found on the 1896 roll.

In reply to your letter you are advised that it appears from the records of the Chickasaw Nation in the possession of the Commission that the name of A. W. Perry was placed on the 1896 Chickasaw roll under an act of the Chickasaw Legislature of July 31, 1897. If you are in possession of any information, kindly advise the Commission whether Albert W. Perry made the leased district payment in 1893, and if so, how many members of his family also participated in this payment, his residence at that time, and how his name appeared upon the 1893 Chickasaw roll.

Information has also reached this office of the death of Albert W. Perry, and blanks for proof of death have been forwarded to Annie Perry, but have not been returned to this Commission. If you are looking after this matter for the family of A. W. Perry,

K.W.D. 2

Kindly have the inclosed blank for proof of death executed and returned to this office at once in the inclosed envelope which requires no postage. Your immediate attention to this matter is requested.

Respectfully,

Commissioner in Charge.

D.C.
Env.

COPY

X. C. R. 3848

Muskogee, Indian Territory, October 16, 1902.

James M. Higdon,
Pottshoro, Texas.

Dear Sir:

You are hereby advised that on the 4th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy A. C. Fry, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

(SIGNED)

Tamm Bixby.
Acting Chairman.

Muskogee, Indian Territory, January 27, 1903.

W.F. Dilbeck,

Dolberg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th inst., requesting that an application for the enrollment of an infant child be forwarded to Annie M. Perry, widow of Albert W. Perry, Star, Indian Territory.

You are advised that your request has this day been complied with.

Respectfully,

Acting Chairman.

Chickasaw-330.

Muskogee, Indian Territory, March 2, 1903.

Annie M. Perry,

Star, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903. The act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Chickasaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

2-130.

Muskogee, Indian Territory. May 6, 1905.

Annie M. Perry.

Star, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and that of M.E. Dodd relative to the birth of your minor daughter, Emma J. Perry, December 22, 1896; and the same being in proper form have been duly filed with the records of the Commission as evidence of birth of the above named child.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 6, 1903.

Joseph C. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 23, 1903, requesting to be advised relative to the application for the enrollment of Annie M. Perry, as an intermarried citizen of the Chickasaw Nation, and you desire to know whether or not the record in her case is complete.

You are informed it appears from our records that Annie M. Perry is an applicant to this Commission for enrollment as an intermarried citizen of the Chickasaw Nation but no decision relative to her final enrollment as such has yet been rendered.

It is not believed that further evidence in support of her application for enrollment will be required, if, however, such is found necessary you will be duly notified. As soon as a decision is reached in her case proper notice of the action taken by the Commission will be forwarded.

Respectfully,

Chairman.

6/43

9-330

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 7 1900

 ACTING CHAIRMAN.

State of Arkansas
Sebastian County

This day personally appeared before me a Notary Public in & for said County and State A. Singleton Smith to me well known as a credible person & who after being by me duly sworn upon his oath says that he is 77 years of age and a resident of Sebastian County State of Ark. That he is personally acquainted with Albert H. Perry that on or about the month of December 1877 he celebrated the rites of matrimony between Albert H. Perry & Tabitha Foster in the Choctaw Nation - That he has no recollection as to whether or not he had the Clerk of Skullyville County Choctaw Nation &c. to enter of record said marriage. Depoent further states that said Albert H. Perry is an Indian & his wife Tabitha was a white woman. He further states that he was at time of said marriage & is now a regularly ordained minister of the Gospel of the M.E. Church and had a legal right to perform the marriage ceremony.

in the Choctaw Nation. That said
marriage was celebrated by me
in accordance with the laws of
the Choctaw Nation. ^{As I understand it} The said
Albert H. Perry paid one ~~to~~ the
legal fee. There were several present at the
marriage. Avey. S. Smith

Subscribed & sworn to before me on
this the 12 day of March 1908.

A. L. Nolen

Notary Public.

My Commission expires
on the 20th Dec 1908

6142

9-330

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 7 1900



ACTING CHAIRMAN.

State of Arkansas
County of Sebastian.

I, I. H. Foster, do solemnly swear that I am now
a resident of Fort Smith, Sebastian County, Arkansas, and am 53 years old;
That on or about the 9th. day of December, 1877 I was present and witnessed
the marriage of Mr. Albert W. Perry to Miss Tabitha Foster, which occurred
about nine miles South of Fort Smith, Arkansas, in the Choctaw Nation of
the Indian Territory; the marriage ceremony being performed by the Rev.
Singleton Smith. And that the said Singleton Smith then and there in
my presence and hearing and in the presence of William Foster and others
published and declared the said Albert W. Perry and Tabitha Foster to
be husband and wife.

I. H. Foster

Subscribed and sworn to before me this 14th. day of February 1900-

D. K. Reed

County Clerk,

By

J. W. Gardner

J. C.

6142

9-330

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 7 1900

Indian Territory }
Central District }

Personally appeared before me a Notary
Public for the Central District of the
Indian Territory William Foster and
after being duly sworn deposes and
says

I am now a resident of the Indian Territory
my Post Office address is Star ST I am
forty one years old. That on or about the 9th
day of December 1877 I was present at
the marriage of Mr Albert W Perry to
Miss Tabitha Foster (my sister) which
occurred about nine ^{miles} south of Fort Smith
Arkansas in the Choctaw Nation of the Indian
Territory the marriage ceremony being performed by
the Rev Singleton Smith. And the said Singleton
Smith did then and there in my presence and
hearing and in the presence of others published and
declared the said Albert W Perry and Tabitha
Foster to be husband and wife.

Witness my hand & seal this the 16 day of March 1900

William F Foster

Subscribed and sworn to before me this the
16th day of March 1900

My com Exp
Feb 24-1901

John N Clark
Notary Public

INDEXED

IN RE
THE DEATH OF*Al W. Perry*

a citizen of the

Chickasaw Nation.Approved *NOV 7 1902* 190*[Signature]*
Commissioner.DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 7 1902

[Signature]
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of

A. W. Perry
(Here insert name of deceased.)

a citizen of the Chickasaw Nation, who formerly resided at or near
Utau, Ind. Ter., and died on the 23rd day of
January, 1902.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Southern District.

I, W. J. Dilbeck, on oath state that I am 23
years of age and a citizen, by birth, of the United States Nation;
that my post office address is Dalberg, Ind. Ter.; that I am
Son in Law of A. W. Perry,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by birth, of the Chickasaw Nation;
and that said A. W. Perry died on the 23 day of
January, 1902.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 29th day of October 1902.

Wm E W Westhoff
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Southern District.

I, J. C. Dilbeck, on oath state that I am 48
years of age, and a citizen, by birth, of the United States Nation;
that my post office address is Dalberg, Ind. Ter.;
that I was personally acquainted with A. W. Perry,
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by birth, of the Chickasaw Nation;
and that said A. W. Perry died on the 23 day of
January, 1902.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 29th day of October 1902.

Wm E W Westhoff
Notary Public.

No. 3845

For Identification as a Mississippi Choctaw.

Date OCT 26 1901

Name James M. Higdon.

Age 47 — Blood Don't know.

Post Office, Pottsboro, Texas.

Father: Larkin Higdon, d

Mother: Elizabeth " d

Claims through father —
wife, Mollie, w.
No claim for wife.

Children:

Ruby C. (que) Higdon.	19
Elizabeth P. " "	17
Flourner M. " "	15
Effie L. " "	13
John W. (boy) " "	11
Lena " "	8

Claims for self &
children.

Stenographer Hal Belford

Choctaw MCR 3846

William R. Smith

See MCR 3847

MCR 3846

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of William R. Smith, et al., for identification as Mississippi Choctaws, consolidating the applications of-

William R. Smith, et al M.C.R. 3846
Floyd Smith " 3847

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of William R. Smith, et al.

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-----0-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 26, 1901.

#3846.

In the matter of the application of William R. Smith
for the identification of himself and his five minor children, Linnie
Lee, Mary, Morgan, and Ed Smith, as Mississippi Choctaws.

Applicant not represented by Attorney.

William R. Smith, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Smith is my name-----W. R. Smith.
Q What does the W. stand for? A William.
Q What is your age? A I am about fifty-one or two. Somewhere
along there. I don't know exactly.
Q What is your post office address? A Sherman, Texas.
Q How long have you lived in Sherman? A I have been in that County
about eight or ten years. About ten years.
Q That is Grayson County, isn't it? A Grayson County.
Q Where were you born? A They tell me that I was borned in South
Carolina.
Q Do you know what place in South Carolina? A No sir.
Q You went from South Carolina where? A To Mississippi.
Q When? A It was about the year-----I can't remember exactly the
year. I was seeing if I couldn't think back and get the correct,
I don't remember what year it was.
Q Well, how long did you live in South Carolina before you went to
Mississippi? About how long? A Well, I don't know that either.
Q Well, when you were a boy, or a man, or when? A I was about,

(2).

well, you might call me a ladd about-----well, I was a young man, just a young man say.

- Q Coming of age? A I was coming of age.
- Q When you went to Mississippi? A Yes, I was old enough to marry.
- Q Did you marry in Mississippi? A I married in South Carolina.
- Q South Carolina and then moved to Mississippi? A Yes sir.
- Q Where did you go to in Mississippi? A I went to Chickasaw County
- Q How long did you remain there in that state? A About twenty years.
- Q And all the time in Chickasaw County? A Yes sir.
- Q And then you went where? A To Texas.
- Q What place in Texas? A Grayson County
- Q And remained there since? A Yes sir.
- Q What is your father's name? A Smith.
- Q What is his full name? A I don't know what his given name was.
- Q Is he living? A No sir.
- Q What is your mother's name? A Her name is Mary Owens.
- Q She married again? A No, no sir.
- Q Is that her maiden name? A Yes sir, that's her maiden name.
- Q Is she living? A No sir.
- Q Was her name Smith when she died? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A Through my father.
- Q How much Choctaw blood do you claim? A I don't know sir, whether it would be a sixteenth or a thirty-second, or how that would be. My father's mother was a-----I think they claimed her a half-blood.
- Q Well, do you know sure? To swear to positively? A That would make me a sixteenth.
- Q Yes, do you know that's right, positively? A That's my recollection. No sir, I don't know it positively, but that's the way we have it understood among us, what I knew of our folks that we know.
- Q You have heard that your father's mother was how much? A Half blood.
- Q Your father's mother was a half? A My father's mother was a half blood.
- Q Then your father would be how much? A He's be a quarter.
- Q Do you know now, can you swear it is an eighth? A That would be an eighth counting that way.
- Q Well, I want to know whether you know whether it's right or not.
- Q A Yes, that would be if that's the way you count it.
- Q Have you the proof of the marriage of your father and mother?
- Q A No sir.
- Q Do you think you can get the evidence of their marriage? A No sir, I don't know whether I could or not.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I know of.
- Q Reasonable time will be allowed you in order to show the marriage of your father and mother if you desire. Are you married? A Yes sir.
- Q What is your wife's name? A Lenora.
- Q Is she a white woman? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q Have you any children under twenty-one years of age you want to apply for? A I have five.
- Q Not married? A Yes sir.

(3).

- Q Give me the name of the oldest? A That's under age?
- Q Have you five under age and not married, did you say? A Yes, four I believe. There are seven in all and two of them are of age, and you see that leaves five.
- Q Give me the name of the oldest under age and unmarried? A Linnie
- Q What's that? A Linnie.
- Q L-i-n-n-i-e? A Yes sir.
- Q Boy or girl? A Girl. She's about-----well, about eighteen I think.
- Q Next? A Leo.
- Q Boy or girl? A Girl.
- Q How old? A She's about twelve I believe. Perhaps fourteen I guess.
- Q Well, fourteen or twelve? A Fourteen I think that's where she's the closest to, fourteen.
- Q Next? A Then Mary.
- Q How old is Mary? A She's about-----she's right at twelve.
- Q Next? A Then Morgan. He's right about ten. Perhaps may be he lacks a little of being ten.
- Q Now the next? A Ed. One we call Ed.
- Q How old? A I think he's a little over eight years old.
- Q Next? A That's all.
- Q Are you the father of these children? A Yes sir.
- Q Is Lenora the mother? A Yes sir.
- Q Was she ever married before she married you? A No sir.
- Q Or you before you married her? A No sir.
- Q You claim for yourself and these children do you? A Yes sir.
- Q When and where were you married to your wife, Lenora? A We was married in South Carolina.
- Q When? A I don't remember exactly the date, but it strikes me somewhere in '69 or '69.
- Q Do you remember what place? A In Anderson County.
- Q Have you your marriage license and certificate or other proof of your marriage with your wife? A No sir.
- Q Reasonable time will be allowed you in which to introduce evidence to show your marriage to your wife. Is your name or the name of these children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A I don't know sir, I guess not.
- Q Did you ever make application for yourself or children for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and Children under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship with your children in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for enrollment as a Choctaw citizen for yourself and children either to the Choctaw Tribal Authorities or to the United States Authorities? A Yes sir.
- Q Do you now claim the right to be identified as a Mississippi Choctaw, claiming under Article XIV-----for yourself and children-----claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Well, I guess I do. It's an agreement between nations or a contract or something.

(4).

- A And do you know what its purpose was when made? A To show an agreement or contract.
- Q Well, what was that made for? To do what? To bring about what change among the Choctaw Indians? A No sir, I don't know.
- Q Do get them to go from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation Indian Territory. A Yes sir, that's right. Yes sir.
- Q It was made at Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830, and it did affect the removal of most of the Choctaw Indians to the Indian Territory in the new Choctaw Nation, but at the time when it was made a great many Indians refused to go, so in order to protect their interests Article XIV was put into the Treaty. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now do you? A Yes sir; I reckon I do.
- Q Did any of your Choctaw ancestors comply or attempt to comply in any way with any of the provisions of that Article of that treaty as read and explained to you? A I don't know sir.
- Q What is the name of your ancestor who lived in Mississippi in 1830 and through whom you claim your right to be identified? A Why, I claim my right through my grandmother.
- Q What was her name? A Her name was Garvin.
- Q Full name? A I don't know her full name.
- Q Garland? A Garvin.
- Q G-a-r-v-i-n? A Yes sir.
- Q Now what kin was she to you? A She was my grandmother.
- Q Your mother's mother or father's mother? A Father's mother.

(5).

- Q You can't tell his first name, his given name? A No sir.
- Q Nor her given name? A No sir.
- Q His name was smith? A My father's name was smith, yes sir.
- Q Well, why is her name Garvin? Did she marry again? A She married a Smith.
- Q Well, her name was smith then? A Yes.
- Q Garvin is her maiden name? A Yes sir, of course her maiden name. That's what I said was her maiden name.
- Q Did she ever live in Mississippi? A I don't know sir.
- Q Was she a Choctaw Indian? A I don't know whether she was or not.
- Q Do you know how much Choctaw blood she had-----claimed to have? A Yes, they say that she was half.
- Q Who said so? A I used to live with one of my aunts who told me that.
- Q Where was she born? A My aunt?
- Q No, your grandmother? A I don't know.
- Q When did she die? A I don't know.
- Q Where did she die? A Somewhere in South Caroline I think.
- Q You don't know whether she ever was in Mississippi? A I don't know.
- Q Was she ever in Mississippi? A I don't know.
- Q Where was she born? A I don't know whether she was born in South Carolina or not.
- Q Do you know when he was born? A No sir.
- Q You don't know where he died or when? A No sir.
- Q You have lived in Mississippi? A Yes sir.
- Q After you were married for about twenty years in Choctaw County? A Yes sir, in Chickasaw.
- Q Chickasaw? A Yes sir.
- Q You don't know whether any of your ancestors ever did? A No sir.
- Q Do you know whether any of your ancestors ever received or claimed any land in Mississippi or Alabama in 1830 under Article XIV or after 1830 under Article XIV of that treaty? A No sir, I don't know.
- Q Do you know whether they received or claimed any benefits or any land under any other article of that treaty of 1830 than article XIV or under the supplement of that treaty? A No sir, I do not.
- Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830, in the old Choctaw Nation? A I don't know whether they did or not.
- Q Did they go to the United States Indian Agent, Colonel Ward within six months after the ratification of that treaty of 1830, and tell him they wanted to live in the old Choctaw Nation, they wanted to stay back there in Mississippi or Alabama and not go to the Choctaw Nation, Indian Territory? A No sir, I don't know.
- Q You don't know whether any of them ever complied with article XIV of the treaty of 1830 or not? A No sir.
- Q Did any of your Choctaw ancestors ever go to the Choctaw Nation Indian Territory from Mississippi or Alabama with the other Indians between 1833 and 1838? A I don't know.
- Q In accordance with the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the United States Indian Agent whose name was Colonel Ward, and who lived in Mississippi in 1830, was required by the Government to make a list of the names of all Mississippi Choctaw Indians who went to him within six months from the ratification of the Treaty of 1830 and told him that they wanted to live in Mississippi and take land there and become citizens of the United States. This Agent made a list known as Ward's

(6).

Register, but it contains the names of a fractional part only of the total number of Indians who went to his Office and made declarations under Article XIV of that Treaty. On account of his neglect to make a complete list of all people who came before him and made those declarations as required by Article XIV of that Treaty, a good many Indians who had land in Mississippi upon which they had improvements had both land and improvements taken from them and sold by the Government. This caused do many complaints among the Indians that in 1837 Congress appointed a Commission which went to Mississippi and heard a great many claimants under Article XIV and made a list of the names of successful claimants who came before it. In 1842 Congress appointed another Commission which other Commission went to the State of Mississippi and made a list of the names of successful claimants who claimed under the provisions of Article XI V of the Treaty of Dancing Rabbit Creek. Do you know whether any of your Choctaw ancestors went before either of those Commissions and claimed benefits as Choctaw Indians under Article XIV of the Treaty of 1830? A No sir, I don't know.

- Q The Act of Congress approved August 23, 1842, provided that a claimant who came before it and proved his claim under Article XIV of the Treaty of 1830, if it also appeared that he had previously had his land taken from him by the Government, that he should be entitled to select land either in Alabama, Mississippi Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him and these certificates should be called scrip. Do you know whether any of your Choctaw ancestors appeared before the Commission of 1837 or that of 1842 and claimed benefits under Article XIV of that treaty? A No sir, I do not.
- Q Have you any documentary evidence that you want to present now in support of your claim? A No sir.
- Q Would you like time in which to produce such evidence A Yes.

A reasonable time will be allowed this applicant in which to introduce dicumentary or other proper evidence in support of this application which he makes for himself and children. Also in which to introduce proof of the marriage of his father and mother and of his own marriage with his wife Lenora.

- Q Is there anything more you want to say about this case. A No sir, I don't believe there is.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium dark complexion, blue eyes, dark brown moustaches, gray hair, formerly

(7).

black. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of December, 1901.

Clara Mitchell Wood
Notary Public.

Copy.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of William R. Smith, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of:

William R. Smith, et al.,	M. C. R. 3846
Floyd Smith,	M. C. R. 3847

-----o-----

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by William R. Smith for himself and his five minor children, Linnie,
Lee, Mary, Morgan and Ed Smith, and by Floyd Smith for himself,
under the following provision of the act of Congress approved June
28, 1898, (30 Stats., 496):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation con-
cluded September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths, examine
witnesses, and perform all other acts necessary there-
to and make report to the Secretary of the Interior."

The principal applicant herein claims that his father, a
one-fourth blood Choctaw, was surnamed Smith, and was the son of
an one-half blood Choctaw woman whose maiden name was Garvin, and

who was married to a man surnamed Smith, and it is through these persons that the applicants herein claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.

As the given names of the Choctaw ancestors of the applicants have not been stated, it is impossible for the Commission to ascertain whether or not they signified (in person or by proxy), to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William R. Smith, Linnie Smith, Lee Smith, Mary Smith, Morgan Smith, El Smith and Floyd Smith, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of

-3-
the treaty of eighteen hundred and thirty, and that the applications
for their identification as such should be refused, and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamr Dixby

Acting Chairman.

I. B. Needles

Commissioner.

SIGNED.

O. R. Ereckinridge

Commissioner.

Muskogee, Indian Territory,

JAN 13 1903

Muskogee, Indian Territory, October 20, 1902.

J. D. Huggins,

Roberts, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 14, stating that you are occupying a portion of W. R. Smith's farm, that W. R. Smith is a Mississippi court claimant, and if he does not get an allotment you ask to be advised who will have the renting of this land.

In reply to your letter you are advised that it appears from our records that William R. Smith is an applicant to this Commission for the identification of himself and his minor children as Mississippi Choctaws, and that no decision nor opinion relative to their rights as such Mississippi Choctaws has yet been rendered by the Commission.

You are further advised that the Commission cannot at this time take up for consideration the rights of individuals to certain tracts of land in the Choctaw-Chickasaw country. Such matters will receive the consideration of the Commission upon the establishment of an allotment office in the Choctaw-Chickasaw country for the pur-

J.D.H. 2

poss of allowing the citizens of these two tribes to make selection
of and file upon their prospective allotments.

Respectfully,

Acting Chairman.

COPY

M.C.R. 3846

Washburn, Indian Territory, January 13, 1903.

William R. Smith,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 13th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William R. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

William R. Smith, et al.,
Floyd Smith,

M.C.R. 3846
M.C.R. 3847

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William R. Smith, Linnie Smith, Lee Smith, Mary Smith, Morgan Smith, Ed Smith and Floyd Smith, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

-2-

office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Jane Dixby.

Acting Chairman.

Registered.

Muskegee, Indian Territory, January 13, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William R. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

William R. Smith, et al.,
Floyd Smith,

M.C.R. 3846
M.C.R. 3847

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) .

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William R. Smith, Linnie Smith, Lee Smith, Mary Smith, Mergan Smith, Ed Smith and Floyd Smith, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be

forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

Acting Chairman

COPY.

Muskogee, Indian Territory, January 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William R. Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 13, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

William R. Smith, et al. M.C.R. 3846,
Floyd Smith, M.C.R. 3847.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

(SIGNED)

Jame Bixby

Enc. M.C.R. 3846.

Acting Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Land.

WASHINGTON July 2, 1904.

7309-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith for your consideration the record of the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws, of the following parties, to wit:

William R. Smith for himself and his five minor children, Linnie, Lee, Mary, Morgan and Ed Smith, and by Floyd Smith for himself, wherein a decision adverse to the applicants was rendered by the Commission on January 13, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from an alleged one-quarter blood Choctaw Indian, whose surname was Smith, father of the principal applicant, and son of an alleged one-half blood Choctaw woman, whose maiden name was Garvin, and who was married to a man surnamed Smith, it being claimed that they were residents in Mississippi in 1830.

(COPY)

--2--

The Commission rejected the applicants for the following reasons : "As the given names of the Choctaw ancestors of the applicants have not been stated, it is impossible for the Commission to ascertain whether or not they signified (in person or by proxy), to Colonel William Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 and August 23, 1842" and for the additional reason that none of the applicants have been enrolled as citizens of the Choctaw Nation.

The applicants are unable to testify as to the compliance of either of these ancestors with the provisions of said article and treaty, and as they are unable to furnish the given name of the grandmother of William R. Smith, whose maiden name was Garvin and who married a Smith, or ^{the} given name of her son, the father of William R. Smith, this office is unable to ascertain whether they complied or attempted to comply with the provisions of said article and treaty.

The records show that there were two families of Garvins who received land under the fourteenth article of the Choctaw treaty, but the office has not the names of the children who were members of these families, there having been one in one family and three in the other. It is possible that this grandmother of the principal applicant may have been one of these children. There is nothing

ren. There is nothing, however, in the evidence that would identify her as such. These being the facts in the case, this office is of the opinion that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

CTU-D

(COPY)

W.C.F.

DEPARTMENT OF THE INTERIOR

FHE

D.C. 25581-1904.

WASHINGTON

July 9, 1904.

I.T.D. 5446-1904.

I.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

January 29, 1903, you transmitted the record in the consolidated Mississippi Choctaw case of William R. Smith, et al., (M.C.R. 3846), including your decision of January 13, 1903, rejecting the applicants.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, alleging that the father of the principal applicant was surnamed Smith, and was the son of a half blood Choctaw woman whose maiden name was Garvin, and who was married to a man surnamed Smith. It is also alleged that said ancestors were residents of Mississippi in 1830.

You state in your decision that as the given names of the Choctaw ancestors of the applicants have not been stated, it is impossible for the Commission to ascertain whether or not they signified to Col. William Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of article 14 of the Choctaw Treaty of 1830, or that they complied with the subsequent

acts of Congress relating thereto.

Reporting July 2, 1904, the Acting Commissioner of Indian Affairs states that the record of the Indian Office show that there were two families of Garvins who received land under the 14th article of the Choctaw treaty, but that the office has not the names of the children who were members of these families, there having been one in ~~the~~ family and three in the other; that there is nothing in the evidence which would identify the grandmother of the principal applicant as one of these children. He therefore recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

In notifying the applicants of departmental action herein, it is desired that you furnish them with a copy of this letter.

Respectfully,

1 inclosure.

Thos. Ryan.
Acting Secretary.

MC.R. 3846.

COPY:

Muskogee, Indian Territory, August 1, 1904.

William R. Smith,
Sherman, Texas,

Dear Sir:

You are hereby notified that on the 9th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William R. Smith et al., of which decision you were advised by registered mail on the 15th day of January, 1905.

Respectfully,

(SIGNED)

T.B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August, 1, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 9th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William R. Smith et al., of which decision you were advised by mail on the 13th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Consolidated Case
of
William R. Smith et al
3846

Card No.

NAME

RESIDENCE
COUNTY

POST OFFICE

Age

Sex

Garvin's Smith
mar
Smith

Mar
Mary Owens
dead

mar
3-8-16

William R. Smith 51- $\frac{1}{8}$
wife
Lena Smith
-w-

mar
3-8-16

Lennie Smith 18

Lee Smith 14

Mary Smith 12

Margan Smith 10

Ed Smith 8

mar
3-8-16

Lloyd Smith 23- $\frac{1}{16}$

No.

6213

For Identification as a Mississippi Choctaw.

Date

OCT 26 1901

Name William R. Smith,

Age 51 —

Blood

$\frac{1}{8}$

Post Office,

Shreveport, La.

Father;

Smith,

d

Mother.

Mary "

d

Claims through

father

wife.

Lenora Smith, id

No claim for wife —

Children.

Linnegie Smith, 18

Lee

"

"

17

Mary

"

"

12

Morgan by

"

10

Ed.

"

"

8

Claims for self & children.

Stenographer

Hal Belford

Choctaw MCR 3847

Floyd Smith

See MCR 3846

MCR 3847

Department of the Interior.
Commission to the Five Civilized Tribes,
Seminole Indian Territory, October 24, 1901.

Q2847.

In the matter of the application of Floyd Smith for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Floyd Smith, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Floyd Smith.
Q What? A Floyd Smith.
Q What is your age? A Twenty-three.
Q What? A Twenty-three.
Q What is your post office address? A Sherman, Texas.
Q How long have you lived in Sherman? A About ten years.
Q How long? A About eight years.
Q Where did you live before that? A Mississippi.
Q Where? A From Mississippi. Came from Mississippi to Sherman,
Texas.
Q Where in Mississippi were you born, if you were born there? A
Chickasaw.
Q Were you born in Mississippi? A Yes sir.
Q In Chickasaw Nation-----Chickasaw County? A Yes sir.
Q And when did you leave Mississippi? A In '92.
Q Then you went to Sherman did you? A Yes sir.
Q What is your father's name? A William Smith.
Q William R.? A W. R.

(2).

- Q He has just appeared before the Commission hasn't he? A Yes sir
- Q Do be identified? A Yes sir.
- Q What is your mother's name? A Lenora Smith.
- Q Is she living? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A My father.
- Q How much Choctaw blood do you claim? A I guess it would be about a thirty-second
- Q Well, you didn't guess right that time. A How much then.
- Q Your father says one-eighth and you wouldn't be more than one half of that-----you wouldn't be less than half of that. One-half of one-eighth is one-sixteenth. A I would be one-sixteenth then would I? A
- Q Yes, be one sixteenth if your father is one-eighth, but do you know that is right? A Yes sir.
- Q Have you the proof of the marriage of your father and mother? A No sir.
- Q Do you know when they were married and where? A No sir.
- Q A reasonable time will be allowed you in order to prove their marriage. Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
- Q Are you married? A No sir.
- Q You claim for yourself alone do you? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A Not as I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw Nation either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming an interest in the lands in the Choctaw Nation under Article XIV of the Treaty of 1830? A yes sir.
- Q Do you understand that article of that treaty? A I believe so.
- Q Well, do you know? A Which of the-----?
- Q Do you understand Article XIV of that treaty of 1830 under which you claim? A No sir, I guess not.
- Q Do you know what a treaty is? A I don't know hardly whether I do or not.
- Q Do you know what an article of a treaty is or a supplement to a treaty? A No sir.
- Q A treaty is a compact in writing made between two nations-----two or more nations, and differs from a contract in writing which is made between two or more individuals, or between individuals and corporations, or corporations for that matter, in that is is between Nations instead of between individuals and corporations. The treaty of 1830 was made between the Choctaw Tribe of Indians who lived in the old Choctaw Nation in Mississippi and Alabama and

(3).

the United States Government at a place called Dancing Rabbit Creek in Mississippi, on the 27th day of September. That treaty was afterwards ratified on the 24th day of February, 1831 following. It was made for the purpose of getting all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to remove from that nation to the new Choctaw Nation, Indian Territory. Before it was signed it became evident that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory, and in order to protect their interests Article XIV was put into the treaty. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now do you? A Yes sir, I believe so.
- Q Do you know if any of your Choctaw ancestors complied or attempted to Comply with any of the provisions of that Article XIV which has been read and explained? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A How's that.
- Q What is the name of your ancestor that you claim through? A You mean outside of my father?
- Q Yes, your great-grandmother? A I don't know sir.
- Q Well, you heard your father give the name here. Can't you give the same. A Why-----.
- Q You claim through your father don't you? A Yes sir.
- Q You are sure you claim through him all right? A Yes.
- Q He was born when? A I don't know sir.
- Q How old is he now do you know? A He's about fifty-one or two I suppose.

(4).

- Q About fifty-one or two? A Yes sir.
- Q Where was he born? A He was born in Alabama I guess.
- Q Do you know? A No sir, I don't know where he was borned at.
- Q Did he ever live in Mississippi? A Yes sir.
- Q How long? Do you know? A No sir.
- Q You heard him say didn't you a little while ago didn't you that he lived there twenty years? A Yes, I heard him say that but I don't know it.
- Q Well you know it from what you heard him say don't you? A Yes sir.
- Q And that he went there when he was aboy, when he was just married and that he was about twenty years old. You heard that didn't you? A Yes sir.
- Q Now he claimed through which parent his father an mother? A His father.
- Q He claims through his father. What is his father's name. That is your grandfather? A I don't know sir.
- Q His name was Smith wasn't it? A Oh! I thought you meant his surname.
- Q Well, Smith is a part of his name. You don't know his given name. A No sir.
- Q Do you know where he lived? A Who?
- Q Your grandfather Smith? A My grandfather? No sir.
- Q Do you know whether he ever lived in Mississippi or Alabama? A No sir.
- Q Do you know where he was born? A No sir.
- Q Or when and where he died? A No sir.
- Q Or how old he would be if he were living now? A No sir.
- Q Do you know through whom he claimed his Choctaw blood through his father or mother? A I don't know sir.
- Q Well, you sat here and heard your father testify. Didn't you hear him state? A Yes sir.
- Q What did he say about it? A About which?
- Q About who your grandfather, your father's father, claimed his Choctaw blood. Whether through his father or mother. A Oh! he claimed his blood through his mother.
- Q Yes, exactly, that would be your great-grandmother? A Yes. My father you mean.
- Q Yes. Well, now you claim through your great-grandmother don't you if his testimony is right? A Through my father yes.
- Q Now what was her first name? A Through my great-grandmother.
- Q What was your great-grandmother's given name if you know? A I don't know sir.
- Q How much Choctaw blood did she have? A I don't know sir.
- Q Did she speak the Choctaw language? A I don't know whether she could or not.
- Q Did she have a Choctaw name? A I don't know sir.
- Q Did she live in Mississippi or Alabama? A I don't know sir.
- Q Do you know of any of your ancestors who lived in Mississippi or Alabama? A No sir.
- Q Do you know of any of them-----do you know of anybody that knows anything about your Choctaw ancestors having lived in Mississippi or Alabama? Or having any of them complied with the provisions of Article XIV of the Treaty of 1830? A No sir, none only my father.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or any time before that? A No sir.
- Q Did they go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838, do you know? A I don't know sir.

(5).

- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they intended to stay in Mississippi and take land there? A I don't know sir.
- Q Did any of your Choctaw ancestors claim any land or receive any under article XIV of the Treaty of 1830? A I don't know that either.
- Q Did they claim any land or receive any benefits under any other Article of the Treaty of 1830 than Article XIV or under the supplement of that treaty, do you know? A No sir, I do not.
- Q According to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the United States Indian Agent Colonel Ward who lived in Mississippi in 1830 was required by the United States Government to make a list of the names of all Choctaw claimants who came before him within six months after the ratification of the Treaty of 1830, that is within six months after February 24, 1831, and declared to him their intention of remaining in Mississippi, taking land there, and becoming citizens of the States. The United States Indian Agent failed to make a complete list of all claimants who did this. His list known as Ward's Register contains the names of a very few of the total number who appeared before him pursuant to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek. His neglect caused the land to be taken from a great many Indians who lived in Mississippi and Alabama at that time, and both their land and improvements were sold by the Government. This caused so many complaints on the part of the Indians that in 1837 Congress appointed a Commission by Act of Congress approved March 3 of that year, and this Commission went to the State of Mississippi and heard claimants under Article XIV, and made a list of the names of those whose claims were approved. In 1842 another Commission was appointed by Congress by an Act which was approved August 23 of that year, and this Commission went to the state of Mississippi and also heard claimants under Article XIV and made lists of the names of those whose claims were approved under Article XIV. Do you know if any of your Choctaw ancestors appeared before either of these Commissions and claimed benefits under Article XIV of the Treaty of Dancing Rabbit Creek? A No sir.
- Q The Act of Congress approved August 23, 1842, provided that if a claimant appeared before that Commission and proved his claim, if it also appeared that his land had also been taken from him by the Government, that he should be entitled to select land either in Mississippi Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate, or as they called it scrip should be issued to him to that effect. Did any of your Choctaw ancestors receive any such scrip from the United States Government as Choctaw Indians? A I don't know sir.
- Q Have you any documentary evidence that you would like to introduce now in support of your claim? A No sir, I believe not.

Reasonable time will be allowed this applicant in which to introduce documentary or other proper evidence in support of his application. Also proof of the marriage of his father and mother.

(6).

- Q Do you speak or understand the Choctaw language? A No sir.
Q Is there anything more you want to say in support of your claim?
A No sir, I believe not.
Q Do you want the testimony of your father, William R. Smith, which he has just given on this date, October 26, for identification as a Mississippi Choctaw, taken in connection with yours that you may get the benefit of what he has testified to? (No answer).
Q Do you? A Yes sir.
Q Have you any other relatives who have appeared before this Commission for identification besides your father? A Not as I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage. He does not understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830. In fact he has very little knowledge of his ancestors or of their names, or whether they ever lived in Mississippi or Alabama, or whether they ever complied with Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of December, 1901.

Charles Mitchell Wood
Notary Public.

Muskogee, Indian Territory, January 13, 1903

Floyd Smith,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 13th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William R. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

William R. Smith, et al.;
Floyd Smith

M.C.R. 3846
M.C.R. 3847

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William R. Smith, Linnie Smith, Lee Smith, Mary Smith, Morgan Smith, Ed Smith and Floyd Smith, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-3-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

John C. ...

Acting Chairman.

Registered.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOTE IN REPLY TO THE FOLLOWING

M.C.R. 3847

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 1, 1904.

Floyd Smith,

Sherman, Texas,

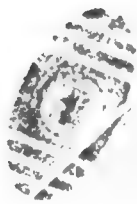
Dear Sir:

You are hereby notified that on the 9th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William R. Smith et al., of which decision you were advised by registered mail on the 13th day of January, 1903.

Respectfully,



Commissioner in Charge.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE MORE CIVILIZED TRIBES.
FILED

SEP - 6 1904

CHAPMAN

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOCOE, IND. TER.

General Division, C.R.

3847

Advising that Sec. of Interior
has approved Coal Division
has approved application for ident.
in connection as a visit. Choo.

AUG -3 1904

Floyd Smith,

~~Shawnee, Oklahoma~~



No. 3847

For Identification as a Mississippi Choctaw.

Date **OCT 26 1901**

Name *Floyd Smith*

Age *23* Blood *1/6*

Post Office, *Sherman, Texas*

Father: *William R. Smith, l.*

Mother: *Lenora " l.*

Claims through *father.*

~~Children:~~

*claims for self
alone*

Stenographer

Hal Buford

Choctaw MCR 3848

William L. Snyder

See MCR D. I.

MCR 3848

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 26, 1901.

#3848.

In the matter of the application of William L. Snyder
for the identification of himself and his three minor children, Ern-
est, Maudie, and Clarence Snyder, as Mississippi Choctaws.

Applicant not represented by Attorney.

William L. Snyder, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A W. L. Snyder.
Q What is the first name? A William.
Q S-n-y-d-e-r? A Yes sir.
Q What is your age, Mr. Snyder? A I am Thirty-seven.
Q What is your post office address? A At the present time?
Q Yes. A Why, Van Couver, E. C.
Q That is all one word isn't it? A Yes sir, Couver.
Q How long have you lived there? A Two years.
Q Where were you born? A Cooper County.
Q Cooper County in what state? A Missouri.
Q How long have you lived in Cooper County? A Well, two or three
years, I suppose.
Q How long? A Two or three years-----two years.
Q Cooper County, you say? A Yes sir.
Q Where did you go afterward? A Higher County.
Q Missouri? A Missouri.
Q How long did you live there? A Oh, I was there eight years I
think.
Q And then you went where? A To Laclede County, Missouri.

(2).

- Q Lived how long there? A Couple of years.
- Q When you left Missouri where did you go to? A I went-----I was in Kansas two years.
- Q What two years? A Let's see. I was in Kansas in eighty-six and seven, I think.
- Q Did you go from Missouri to Kansas? A Yes sir.
- Q Where did you go from Kansas after you lived there two years? A Went back to Missouri.
- Q And lived there until you went to Van Conner? A Yes sir.
- Q What is your father's name? A W. J. Snyder.
- Q What's that? A W. J. Snyder.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Sarah E. Snyder.
- Q Is she living? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much do you claim? A Well, I don't know. That's a hard question.
- Q What? A I don't know just how much.
- Q Don't know? A Not exactly. I couldn't say.
- Q When and where were your father and mother married? A In Cooper County, Missouri.
- Q When? A Well, I haven't the right date of that so I couldn't say.
- Q Were they married by a minister under a license? A Well, I don't know. I couldn't say that either.
- Q Have you any evidence proving their marriage with you? A No sir I have not.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Has she ever been recognized?
- Q Been enrolled yes? A No sir, I couldn't say.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Aurelia Snyder.
- Q A-u-r-e-l-i-a? A Yes sir.
- Q What is her blood? A Well-----.
- Q That is, is she an Indian or a white woman? A She's a white woman.
- Q Do you make any claim for her? A No sir.
- Q Have you any children you want to make application for? A Yes, I have three children.
- Q What is the name of the eldest? A Ernest.
- Q How old is he? A He's ten years old.
- Q Ten? A Yes sir.
- Q The next? A Maudie.
- Q M-a-u-d-i-e? A Yes sir.
- Q How old is Maudie? A She's eight years old.
- Q Next? A Clarence.
- Q He's how old? A Six years old.
- Q Is that all? A That's all.
- Q Is Aurelia the mother of these children? A Yes sir.
- Q You are the father? A Yes sir.
- Q They are living with you at your home? A Yes sir.
- Q When and where were you married to her? A Married in '85, Hickory county, Missouri.
- Q Do you know what day of the month? A Eighteenth of April.
- Q By a minister under a license? A Yes sir.
- Q Have you your marriage license and certificate with you now? A I haven't, no sir.

(3).

- Q You could produce it, I suppose? A Yes sir.
- Q If given time? A Yes sir.
- Q You claim for yourself and these children I suppose? A Yes sir.
- Q Is your name or the name of any of these children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q For yourself or children? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application for enrollment that you have ever made? A Yes sir.
- Q For yourself or children either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified and for the purpose of the identification of your children as Mississippi Choctaws under the XIV article of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that Treaty? A I don't know as I do the XIV article.
- Q You know what a treaty is, I presume? A I know that it's an agreement.
- Q And an article in a treaty is one of the parts of it. One of the subdivisions of it. In 1830 the treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians who lived in Mississippi and Alabama, that is partly in both states, in what is called the old Choctaw Nation. It was made at Dancing Rabbit Creek in Mississippi and was made for the purpose of getting the Choctaw Indians to leave that old Choctaw Nation and go to the new Choctaw Nation, Indian Territory. Before the treaty was signed by the representatives of the two Governments it became apparent that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests Article XIV was put into the Treaty. This pertains wholly to the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama. Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey;

(4).

in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A I think so, yes.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of those provisions of that Article XIV just read? A No sir, I do not. I don't know for sure of course only just what I have heard them talking about.
- Q What is the name of your ancestor through whom you claim your right to be identified? A Harris.
- Q What is the full name, the given name? A You have got me now. I don't know as I know.
- Q Is this a man or a woman? A A man.
- Q What relation was he to you? A Why, he would be my great-grandfather, I suppose.
- Q Did he ever live in Mississippi or Alabama? A Well, I think so.
- Q You don't know? A I don't know. I don't know anything about it.
- Q That's father back than I know anything about.
- Q Well, didn't you ever hear anything about it in the family? A Well, I have heard it talked, yes sir.
- Q What did you ever hear now in the family about him? A Well, I have heard them talking about him.
- Q Did you ever hear this Harris was a Choctaw Indian? A Yes sir, I have.
- Q How much Choctaw blood did he have? A Three-fourths, I think.
- Q Who told you that? A Well, I have heard my mother and aunts and grandmother talk about it.
- Q Did he have an Indian name do you know? A No.
- Q You claim through your mother? A Yes sir.
- Q She is living now isn't she? A Yes sir.
- Q Has she been before the Commission? A Yes sir.
- Q Do you know when? A She was here last week I suppose. I don't know just exactly.
- Q What is your present post office address. Are you going back to Van Couver? A Well, I will go back, yes sir, in a short time.
- Q If you change your address you must let the Commission know where you are. They wouldn't know where to address you if they wished to get word to you? A Yes sir.
- Q Now your mother was born when and where? A She was born in Cooper County, Missouri.
- Q Missouri? A Yes sir.
- Q Do you know when? A I don't know the dates, no sir.
- Q How old is she now about? A Why, she's about sixty I think. But I couldn't say. I am not a particular hand to keep dates or re-

(5).

member anything of the kind.

- Q Did she ever live in Mississippi? A No sir.
- Q Or Alabama? A No sir.
- Q She claims through which parent father or mother? A She claims through her mother.
- Q What was her mother's name? A Her mother was a Harris.
- Q What was her first name? A Lucy.
- Q Lucy Harris. What was her husband's name, this Lucy Harris' husband? A Edmond Snodgrass.
- Q Lucy Harris is her maiden name? A Yes sir.
- Q And married who? A Snodgrass.
- Q Edmondson, did you say? A Edmond.
- Q Did she ever live in Mississippi or Alabama? A Well sir, I couldn't tell you. Couldn't say whether she did or not.
- Q You never heard that any of your ancestors lived in Mississippi or Alabama did you? A Well, yes sir.
- Q Who did you hear did? A I have heard them speaking about it.
- Q Speaking about who living there? A Heard my mother speak about them living in Mississippi.
- Q Who living there? A Well, her ancestors. I couldn't say whether they lived there or not.
- Q Then you can't tell who you have heard lived in Mississippi of your ancestors? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Couldn't say.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent whose name was Colonel Ward within six months after the ratification of the Treaty of 1830, and tell him that they wanted to live in Mississippi and take land there and become citizens of the States? A I couldn't say.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I couldn't say.
- Q Did any of them own any land or have any benefits whatever under any other article of that Treaty of 1830 than Article XIV of that Treaty or under the supplement of it? A I couldn't say.
- Q Did any of them claim or receive any lands under Article XIV of the Treaty of 1830? A I don't know.
- Q The United States Indian Agent whose name was Colonel Ward, and who lived in Mississippi in the year 1830 was instructed by the Government of the United States to make a list of the names of all Choctaw Indian claimants who came before him within six months after the ratification of the treaty and declared their intention to him of remaining in Mississippi, taking land there and becoming citizens of the United States. This was pursuant to the provisions and the conditions of Article XIV of that treaty. This United States Indian Agent neglected to do this. He made a list called Ward's Register, but it contains the names of only a few, very few, of the applicants who came before him pursuant to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek. This neglect on the part of the United States Indian Agent to make a complete list of all claimants, caused a great many Indians who had land in Mississippi and Alabama to lose it. It was taken from them by the Government and sold. This caused a great many complaints on the part of the Indians, and as a result of the Complaints in 1837 a Commission was appointed by Act of Congress approved March 3, of that year, and this Commission went to the State of Mississippi and heard claimants under Article XIV of the Treaty of 1830, and made a list of the names of suc-

(6).

- cessful claimants who came before it. In 1842 another Commission was appointed by Congress, by an Act approved August 23 of that year, and this Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. Do you know if any of your Choctaw ancestors appeared before either of those Commissions that of 1837 or the Commission of 1842? A I do not.
- Q And claimed benefits under Article XIV? A I do not.
- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian claimant came before it and proved his claim under Article XIV, if it also further appeared that he had lost his land, his land had been taken from him by the Government, he should be entitled to select land either in Mississippi Alabama Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate should be given him to that effect. Do you know if any of your Choctaw ancestors received any scrip or certificate from the Government under this Act of Congress of 1842? A No sir.
- Q Have you any documentary evidence that you want to file now with the Commission, any papers of any kind you want to give me, any affidavits? A Well, not at the present time, I guess?
- Q You want time do you in which to present them? A Yes sir.

Reasonable time will be allowed this applicant in which to present documentary evidence or other evidence if he desires in support of this application which he makes for himself and children and also to prove the marriage of his parents and his own marriage to his wife, Aurelia Snyder.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Give me the names of relatives of yours that have previously made application here for identification? A Sarah E. Snyder.
- Q Sarah E. Snyder, what is her post office address now? A Lexington Junction.
- Q What is that? A Lexington Junction, Missouri.
- Q Any others? A I had a brother, C. C. Snyder, I believe was here
- Q Where does he live? A Richmond, Missouri.
- Q R-i-c-h-m-o-n-d? A R-i-c-h-m-o-n-d.
- Q Any others? A That's all of my relations. I have aunts I guess and uncles, but I don't know which ones.
- Q Have they been here? A Yes sir.
- Q You can't give the names? A Well, I don't know that they've been here only just what I have heard. I heard they were here.
- Q What is the name? A Snodgrass. John Snodgrass and Nannie J. Walser.
- Q Nannie what? A Walser, California, Missouri.
- Q What is her name? A Nan Walser.
- Q Nan, N-a-n? A Yes sir.
- Q How do you spell that last name, W-a-l-s-e-r? A I believe so.
- Q Where does she live? A California, Missouri.
- Q What was the name Snodgrass? A John Snodgrass.
- Q He lived where? A He's in Clarksburg, Missouri.
- Q Clarksburg? A Clarksburg, yes sir.

(7).

- Q These are all relatives of yours and claim through the same common ancestor? A Yes sir.
- Q Do you want to have their testimony considered as a part of yours, that is considered with yours when yours is considered, that you may get the benefit of their testimony? A Yes sir.
- Q Is there anything more you want to say in support of your application? A I don't know as there is.

This applicant has the appearance and physical characteristics of being descended from white parentage. Dark hair and light brown moustaches, dark eyes, medium light complexion. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on October 26, 1901.

Hal Belford

Subscribed and sworn to before me this 10 day of December, 1901.

Clara Mitchell Wood

Notary Public.

Muskogee, Indian Territory, November 19, 1901.

Lindebaugh Bros.,

Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of November 15th in which you enclose the following documentary evidence to be filed in support of applications for identification as Mississippi Choctaws:

Certified copy of marriage license between W. A. Martin and Nettie Chaney, which you offer for filing in support of the application for identification as Mississippi Choctaws of William A. Martin, et al.

Certified copy of the testimony of James Allen and John Pistole, which you offer for filing in support of the case of Annie L. Kerfott.

Certified copy of the testimony of James Allen and John Pistole, to be filed in support of the application for identification as Mississippi Choctaws of William L. Snyder, et al.

Certified copy of marriage license and certificate between Alfred Martin and Elisabeth A. Grawly, and certified copy of marriage license and certificate between S. H. Martin and

L. B.'s. 2.

Martha Jane Price, offered for filing in support of the application
for identification as Mississippi Choctaws of S. H. Martin, et al.

Yours truly,

M.C.3552.
M.C.3424.
M.C.3548.
M.C.3549.

Acting Chairman.

Muskegee, Indian Territory, December 2, 1901.

William L. Snyder,

Vanouver, British Columbia.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

John Harris et al., John L. Jones,
Margaret M. Rodgers et al., James M. Jones et al.,
Fannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on October 24, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and three minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskegee, Indian Territory, on Monday,

W. L. S.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3848

Commissioner in Charge.

Huskogee, Indian Territory, December 4, 1901.

Linebaugh Brothers,

Attorneys at Law,

Atoka, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 2, with which you inclose the marriage certificate between E. P. Snyder and Ada Dalton which you offer for filing in support of the application for identification as Mississippi Choctaws of Sarah E. Snyder, et al., and certified copy of marriage license and certificate between William L. Snyder and Arela Bayles, which you offer in support of the application for identification as Mississippi Choctaws of William L. Snyder, et al. The same have been duly filed with the records in these cases.

Yours truly,

Commissioner in Charge.

MC3769
MC3848

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choc. 3848

COPY.

Muskogee, Indian Territory, March 15, 1902.

William L. Snyder,

Vancouver, British Columbia,

Dear sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

“Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.”

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelie Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississispi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). *T. B. Needles.*

Commissioner in Charge.

Registered.

X C R - 3848

Muskogee, Indian Territory, April 24, 1902.

William L. Snyder,

Vancouver, British Columbia.

Dear Sir:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Acting Chairman.

M.C.R. 3849.

M.C.R. 3848.

Muskogee, Indian Territory, September 25, 1902.

Postmaster,

Vancouver, British Columbia.

Dear Sir:-

On April 3rd, 1902, there were forwarded from this office, by registered mail, letters addressed to the following persons:

Register No. 5742, Annie L. Kerfoot;
Register No. 5743, Wm. L. Snyder,

for which no delivery receipts have as yet been received. If these letters have been delivered, please advise dates of such delivery; if on hand unclaimed, please return to this office.

Respectfully,

Acting Chairman.

(Copy)

UNITED STATES POST OFFICE.

Muskogee, Creek Nation, Ind. T.,
December 17, 1902.

Honorable Tams Bixby,
Muskogee, Ind. T.

Sir:

Referring to inquiry made by you September 25, 1902, regarding Registered Letters No. 5742-5743, mailed at this office April 3, 1902, by the Commission to the Five Civilized Tribes, addressed to Anna L. Kerfoot and Wm. L. Snyder, Vancouver, B. C.:

I have to inform you that in response to inquiries made by The Fourth Assistant Postmaster General's office, the Postal Administration at Ottawa, Canada, reports the same were duly delivered to the addressees April 14, 1902.

Very respectfully,

(signed)

HOUSTON T. ESTES,
Postmaster,
By PERRY E. HEWITT,
Assistant.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3848.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 16, 1906.

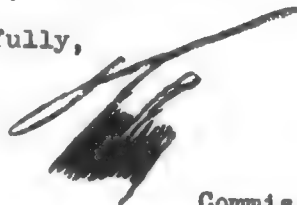
William L. Snyder,

Vancouver, British Columbia.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,



Commissioner.

No. 3848

For Identification as a Mississippi Choctaw.

OCT 26 1901

Date

Name William L. Snyder

Age 37

Blood Don't know.

Post Office, Vancouver, B. C.

Father: W. J. Snyder. l

Mother: Sarah E. Snyder. l

Claims through

Mother
wife, Aurelia Snyder, w.
No claim for wife -

Children:

Ernest - Snyder	10
Maudie "	8
Clarence "	6

Claims for self
and children

Stenographer

Neal Balford



3848

Remond
[Signature]

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TERR.

[Large handwritten signature]
[Handwritten initials]
Miller, Greder,
Anconu, Br. Columbia.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

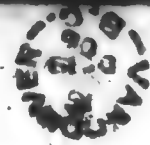
3848

Handwritten:
1 Envelope
11/11/11

Handwritten:
8410
20

~~William Snyder,~~

~~Vancouver, British Columbia.~~



Handwritten:
CALLED FOR
NOV 10 1911



Choctaw MCR 3849

Annie L. Kerfoot

See MCR D. 1.

MCR 3849

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 26, 1901.

#3849.

In the matter of the application of Annie L. Kerfoot
for the identification of herself and her minor child, Claude Wallace
Kerfoot, as Mississippi Choctaws.

Applicant not represented by Attorney.

Annie L. Kerfoot, being first duly sworn, upon her
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Annie L. Kerfoot.
Q K-e-r-f-e-e-t? A Yes sir.
Q What is your age? A Thirty-four.
Q What is your post office address? A Van Courter, British Colum-
bia.
Q Where were you born? A Hermitage, Missouri.
Q How long did you live in Missouri before you went out of the
State? A Sixteen or seventeen years.
Q Always in Missouri, and then when you went out of Missouri where
did you go to? A Colorado.
Q How long did you live in Colorado? A Three or four years, I
don't remember just which.
Q And then you went where? A I went to California, from Colorado.
Q And you lived there how long? A Three months.
Q From there you went where? A Van Courter.
Q Have lived there since? A Have lived there since.
Q What is your father's name? A W. J. Snyder.
Q Is he living? A Yes sir.
Q What is your mother's name? A Her name is Sarah Hodgson.

(2).

- Q Well, is it Snodgrass now? A It's Snyder now. It was Snod Grass we always called her Sallie.
- Q She is living is she? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A I can't tell you that.
- Q Do you know when and where your father and mother were married? A In Cooper County, Missouri.
- Q Do you know when? What day of the month and year? A No I don't I am very poor at remembering dates.
- Q Have you the proof of their marriage with you? A No sir.
- Q Think you could get it to present here? A I think so.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities? A I don't know I am sure.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A William Kerfoot.
- Q What is his blood? A Irish.
- Q He is a white man then isn't he? A Yes sir.
- Q You make no claim for him then, I guess? A No sir.
- Q Have you any children that you want to make application for A One.
- Q What is the name of that child? A Claude Wallace.
- Q Claude Wallace? A Yes.
- Q Kerfoot? A Yes, Claude Wallace.
- Q Kerfoot? A Yes, Claude Wallace Kerfoot.
- Q How old is he? A Fifteen.
- Q Is that all? A That's all.
- Q When and where were you married to your husband? A In Van Couver British Columbia.
- Q What date? A Twenty-fifth of December.
- Q What year? A It was seven years ago.
- Q Were you married by a minister under a license? A Yes sir.
- Q Was he ever married before he married you? A No sir.
- Q Were you ever married before you married him? A Yes sir.
- Q Have you any children by that first marriage? A No sir.
- Q Is your name or the name of this child on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A Not that I know of, no sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your son to the Choctaw Tribal Authorities? A No sir.
- Q Have you ever made application for yourself and your son for citizenship or enrollment in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A Not that I know of.
- Q Is this the first time that you ever made application for enrollment or citizenship in the Choctaw Nation for yourself and your son either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Is this the first time that you ever applied to any authority whatever for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission in order that you may iden-

(3).

tify yourself and your son as Mississippi Choctaws claiming under Article XIV of the Treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I don't think I do, no.

Q You know what a treaty is, I suppose? A I don't know.

Q Or do you? A I don't think so.

Q You know what a contract or agreement in writing is? A Yes sir.

Q Two persons, or more persons may make one, put it in writing and sign it and a corporation may be a party to a written contract or an agreement, but a treaty is a written contract made between two or more nations instead of between individuals. In 1830 a treaty was made between the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama-----in the old Choctaw Nation there-----and the United States Government. The object of that treaty was to get all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi River to go west of the Mississippi River to the new Choctaw Nation, Indian Territory, where they might live under the protection of the Government and have their own Tribal Laws and Customs. Before the treaty was signed it became evident that a great many Choctaw Indians would refuse to go to the new Choctaw Nation, Indian Territory and so in order to protect their interests and preserve their rights Article XIV was put into the Treaty. Now Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that article now? A As much as I ever would, I suppose.

Q Now do you know, after having heard it read and explained, whether

(4).

- any of your Choctaw ancestors complied with any of the provisions of that article? A No, I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I don't know.
- Q Your grandmother or great-grandmother? I don't know which it is you claim through? A She was a Harris.
- Q Was that her married name or her maiden name? A Her maiden name.
- Q What was her married name? A Snodgrass.
- Q That is your grandmother? A Yes, Snodgrass.
- Q Do you know her first name? A I do if I can only think of it. Lucy.
- Q Lucy? A Yes.
- Q It is Lucy Harris, then, or Lucy Snodgrass? A Yes.
- Q How much Choctaw blood did Lucy Snodgrass have? A I can't----I don't know. I didn't figure that out.
- Q You don't know? A No.
- Q You claim through your mother? A yes sir.
- Q Your mother's name was Sarah E. Snodgrass? A Snyder.
- Q Her maiden name was Sarah Snodgrass? A Yes.
- Q And this was her mother? A Yes sir.
- Q Lucy Snodgrass was her mother, your grandmother? A Yes sir.
- Q Did she ever live in Mississippi or Alabama? A I don't know.
- Q Your mother is living now, isn't she? A Yes sir.
- Q How old is she? A Well, she's sixty-two or sixty-three. I don't just remember which.
- Q Where was she born? A She was born in Cooper County.
- Q Missouri? A Missouri.
- Q Where was her mother, Lucy Snodgrass born? A Cooper County also.
- Q Born in Missouri was she? A Yes sir.
- Q Her mother? A yes sir.
- Q Then her mother never went to Mississippi, is that it? A Well not that I know of.
- Q You know of no ancestor of yours claiming Choctaw blood that lived in Mississippi? A Well, I know that my mother and grandmother have claimed it.
- Q You mean your grandmother, Lucy Snodgrass? A Yes.
- Q Has claimed that some of her people lived in Mississippi? A No, she claimed that she had an ancestor in this business----since I can remember I don't know of any of them ever living in Mississippi.
- Q Did she, Lucy Snodgrass claim that she was part Indian? A Yes-sir.
- Q Did you ever hear her say that? A Yes sir.
- Q Did she say how much Indian she was? A No sir.
- Q Did she speak the Choctaw language? A No sir.
- Q Can you speak it or understand it? A No sir.
- Q Did she, Lucy Snodgrass ever have an Indian name? A Not that I know of.
- Q Do you know whether she claimed her blood through her father or mother? A Through her mother.
- Q What was her mother's name? Maiden name? A I don't know. I don't know what her name was.
- Q You don't remember of any other than Lucy Snodgrass? A No.
- Q Can you go back any further than Lucy Snodgrass? A No, I don't remember any further than my grandmother and grandfather.
- Q And you can't remember hearing her say who of her ancestors lived in Mississippi in the old Choctaw Nation? A No, I can't but I think it was her great-grandfather. That is my grandmothers grand father lived there.
- Q Lucy Snodgrass grandfather? A Her great-grandfather.

(5).

- Q Do you know his name? A No, I don't know his name.
- Q Did you ever hear that any of her ancestors lived in Mississippi in 1830 and had any improvements on land there? A No, I never heard that.
- Q Or were recognized members of the old Choctaw Tribe of Indians there in Mississippi and Alabama? A No, I have forgotten if I ever knew it.
- Q Did you ever hear that any of your ancestors, if Choctaw Indians, went to the United States Indian Agent within six months from the ratification of the treaty of 1830 and told him that they wanted to live in Mississippi and take land there? A No, I don't remember.
- Q Did any of them go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of them claim or own any land in Mississippi under Article XIV of the Treaty of 1830? A No.
- Q Did any of them claim any land or any benefits under any other article of the treaty of 1830 than Article XIV or under the supplement of that treaty? A Not that I know of.
- Q In accordance with the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, or as it is sometimes called, the Treaty of 1830, the United States Indian Agent who lived in Mississippi was instructed by the Government to make a list of the names of all of the Choctaw claimants who came before him within six months after the ratification of the treaty and told him that they intended to stay in Mississippi and take land there. This United States Indian Agent failed to record the names of all of the Indians who came before him under the provisions of Article XIV of that treaty. He placed upon what is known as Ward's Register the names of only a few Indians who did make those declarations. This neglect on his part caused many Indians who lived on land in Mississippi and Alabama to lose it. The Government took that land with improvements upon it and sold it. This caused a great many complaints among the Indians so that in 1837 by an Act of Congress approved March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard claimants under Article XIV of that Treaty and made a list of the names of successful claimants. In 1842 another Commission was appointed by Congress for the same purpose and that Commission made lists of the names of successful claimants under Article XIV of the Treaty of 1830. Do you know whether any of your ancestors went before either of those Commissions, the Commission of 1837 or the Commission of 1842 and claimed rights and benefits under that article of that Treaty? A No, I do not.
- Q The Act of Congress approved August 23, 1842 provided that if any Choctaw claimant came before it and proved his claim, that, if it were also apparent that he had previously had his land taken from him by the Government, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas or Arkansas, and that he should receive a certificate or scrip as it was called to that effect. Do you know whether any of your Choctaw ancestors received any such scrip from the Government? A No, I do not.
- Q Have you any documentary evidence that you would like to introduce now, anything in writing, any papers of any kind? A Well, no, nothing but the certificate of marriage. They thought that was necessary to bring to prove.
- Q Have you that here? A I have it in my trunk at the Station.

(6).

This applicant is allowed reasonable time in which to present other documentary evidence, or proper evidence of any kind if she desires, in support of this application she makes for identification for herself and son.

- Q You don't understand Choctaw, or speak it do you? A No sir.
- Q The following persons have appeared before the Commission to be identified as Mississippi Choctaws. William L. Snyder---- --he is a brother of yours who appeared to-day isn't he? A Yes.
- Q Sarah E. Snyder-----that is your mother? A Yes sir.
- Q She appeared before the Commission a few days ago. C. C. Snyder a brother? A Yes sir.
- Q Fannie Wilson, what relation to you? A An Aunt.
- Q John Snodgrass? A He's an uncle.
- Q These claim through the same common ancestor, Lucy Snodgrass or Lucy Harris. Do you want to have their testimony considered with yours that you may get the benefit of what they have testified to? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, except that she has dark eyes, dark hair, and dark complexion. She does not understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Annie L. Kerfoot, the applicant in above cause, having returned on the above date, October 26, 1901, for the purpose of correcting certain testimony given by her on said date, and having been first duly sworn, upon her oath testifies as follows:

- Q You stated that your son's name was Claude-----? A Well yes.
- Q No, Claude Kerfoot. Now his name was Claude Wallace was it not? A Yes.
- Q And you have given him the name-----? A Kerfoot.
- Q What is your husband's name? A Kerfoot.

(7).

- Q What is the full name? A William Kerfoot.
Q Was William Kerfoot his father? A No sir.
Q You were married previously to your marriage to William Kerfoot weren't you? A Yes sir.
Q What was your husband's name? A Keruth-----W. A. Keruth .
Q Was he his father? A No sir.
Q Well, just state your own way about this boy who is your son----- who is his father? A Well, his father is J. R. Wallace.
Q You have given him then the name of Claude Wallace Kerfoot? A Yes
Q Giving him the name of your last husband? A Yes. He is the son of Dr. J. R. Wallace of Sedalia, Missouri, through a runaway match.
Q And were you married? A Yes, we were married by a minister that was not ordained.
Q Who was not ordained? And afterwards? A The marriage was never made right. Afterwards we separated.
Q Then you separated and never lived together? A Yes.
Q And this is a son of that marriage? A Yes. I thought I had better come back and rectify that mistake.
Q Well, he was the son born of a marriage that was never made legal? A Yes, that's the truth of the matter.
Q You claim no Choctaw blood through his father for him any way? A No.
Q It is all through you? A Yes sir.

Hal Belford, being first duly sworn, upon his oath testifies that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 26, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 10 day of December, 19 01

Clara Mitchell Wood

Notary Public.

Muskogee, Indian Territory, November 19, 1901.

Linebaugh Bros.,

Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of November 15th in which you enclose the following documentary evidence to be filed in support of applications for identification as Mississippi Choctaws:

Certified copy of marriage license between W. A. Martin and Hattie Chaney, which you offer for filing in support of the application for identification as Mississippi Choctaws of William A. Martin, et al.

Certified copy of the testimony of James Allen and John Pistole, which you offer for filing in support of the case of Annie L. Kerfott.

Certified copy of the testimony of James Allen and John Pistole, to be filed in support of the application for identification as Mississippi Choctaws of William L. Snyder, et al.

Certified copy of marriage license and certificate between Alfred Martin and Elizabeth A. Crawly, and certified copy of marriage license and certificate between S. H. Martin and

L. B. G. S.

Martha Jane Price, offered for filing in support of the application
for identification as Mississippi Cheataws of S. H. Martin, et al.

Yours truly,

H.C.3053.
H.C.3424.
H.C.3548.
H.C.3849.

Acting Chairman.

Muskogee, Indian Territory, December 2, 1901.

Annie L. Kerfoot,

Van Couver, British Columbia.

Dear Madam:

In the matter of the applications for identification as
Mississippi Choctaws of

John Harris et al., John L. Jones,
Margaret E. Rodgers et al., James M. Jones et al.,
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on October 26, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

A. L. K.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3849

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choct. 3849

COPY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

Annie L. Kerfoot,

Vancouver, British Columbia,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	731
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	713
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

"The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississispi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

W C R - 8549

McKee, Indian Territory, April 24, 1908.

Andie L. Harfoot,

Vancouver, British Columbia.

Dear Sir:

You are hereby advised that on the 14th day of April, 1908, the secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1908.

Yours truly,

Acting Chairman.

M.C.R.3849.

M.C.R.3848.

Muskogee, Indian Territory, September 25, 1902.

Postmaster,

Vancouver, British Columbia.

Dear Sir:-

On April 3rd, 1902, there were forwarded from this office, by registered mail, letters addressed to the following persons:

Register No. 5742, Annie L. Kerfoot;

Register No. 5743, Wm. L. Snyder,

for which no delivery receipts have as yet been received. If these letters have been delivered, please advise dates of such delivery; if on hand unclaimed, please return to this office.

Respectfully,

Acting Chairman.

(Copy)

UNITED STATES POST OFFICE.

Muskogee, Creek Nation, Ind. T.,
December 17, 1902.

Honorable Tams Birby,
Muskogee, Ind. T.

Sir:

Referring to inquiry made by you September 25, 1902, regarding Registered Letters No. 5742-5743, mailed at this office April 5, 1902, by the Commission to the Five Civilized Tribes, addressed to Anna L. Kerfoot and Wm. L. Snyder, Vancouver, B. C.:

I have to inform you that in response to inquiries made to the Fourth Assistant Postmaster General's office, the Postal Administration at Ottawa, Canada, reports the same were duly delivered to the addressees April 14, 1902.

Very respectfully,

(signed)

HOUSTON T. ESTES,
Postmaster.

By PERRY E. HEWITT,
Assistant.

M.C.R. 3842.

COPY

Muskogee, Indian Territory, November 16, 1906.

Annie L. Kerfoot,
Vancouver, British Columbia.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John B. Martin, et al.

Respectfully,

SIGNED

Wm. Bixby.
Commissioner.

No. 3819

For Identification as a Mississippi Choctaw.

Date

OCT 26 1901

Name

Annie L. Kerfoot

Age

34

Blood

Don't know.

Post Office,

Vancouver, B.C.

Father,

W. J. Snyder

Mother,

Sarah C. S. ~~maiden~~ ^{maiden}

Claims through

Husband.

William Kerfoot, W.

No claim for Husband

Children:

Claude H. Wallace 15

Claude Wallace

Claims for self
& child -

Dr. J. R. Wallace is the father
of Claude Wallace, (not
legally married to Annie L. Kerfoot.)

Stenographer

Kae Belford #

Choctaw MCR 3850

John T. Snyder

See MCR D. 1

MCR 3850

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3850.

In the matter of the application of John T. Snyder for
identification as a Mississippi Cheetaw.

Applicant not represented by Attorney.

John T. Snyder, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

- Q What is the name please? A J. T. Snyder, or John T.
Q John T. Snyder? A Yes sir.
Q S-n-y-d-e-r? A Yes sir.
Q What is your age? A Thirty-one.
Q What is your post office address? A It will be Lexington Junction, Missouri.
Q Where were you born? A Hickory County, Missouri.
Q What? A Hickory County, Missouri.
Q Hickory County? A Yes sir.
Q Did you ever live in any other state than Missouri? A Yes sir.
Q How long did you live in Missouri before you left that state? A I guess it was about fifteen or sixteen years or near that.
Q Then where did you go? A Kansas.
Q How long did you live in Kansas? A About two years.
Q Where in Kansas? A Neosho Falls.
Q And from there you went where? A Back to Missouri.
Q What place? A Went to Fairfield.
Q And how long did you live there? A Well, I don't know exactly how long I did live there.

(2).

- Q Five-----eight-----ten-----twelve years? A Something like that.
- Q How long? A Six or eight.
- Q Then where did you go? A Seattle, Washington.
- Q How long did you stay there? A I have been there ever since.
- Q Are you there now? A No, I am direct from there, but I am going to make my home at the Junction.
- Q Lexington Junction? A Yes sir.
- Q You stayed there how long? A Well, I havn't been there only about nine months.
- Q And then you went from there where? A We are going from here to Lexington Junction.
- Q What is your father's name? A Dr. W. J. Snyder.
- Q What? A Dr. W. J. Snyder.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Sarah E. Snyder.
- Q Sarah E.? A Yes sir.
- Q Is she living? A Yes sir.
- Q Through which one of these parents do you claim Choctaw blood? A My mother.
- Q How much do you claim? A Well sir, I declare I can't tell you. I don't exactly know what it is.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not as I know of.
- Q When and where were your father and mother married? A Cooper County, Missouri.
- Q What year, and what day of the month? A Well sir, I don't know that either.
- Q Have you the proof of their marriage with you? A No sir, I have not.
- Q Do you think you could present it if given reasonable time? A I think so.

Reasonable time will be given applicant in which to present proof of the marriage of his father and mother.

- Q Are you married? A No sir.
- Q You claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Have you ever made application for enrollment as a citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Terri-

(3).

tory? A No sir.

- Q Have you ever before this time sought to become a member of the Choctaw Tribe of Indians by making application either to the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw, claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that Article? A Why, not thoroughly, no sir. I don't think I do.
- Q Have you ever read it or heard it explained? A No sir, I don't know as I ever did.
- Q The Treaty of 1830 was entered into between the Choctaw Tribe of Indians who lived in the old Choctaw Nation, partly in Mississippi and partly in Alabama, on the twenty-seventh day of September of that year, and the United States Government. The object of the Treaty was the removal of all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would refuse to remove to the new Choctaw Nation, west of the Mississippi River, and in order to protect their interests Article XIV was put into the Treaty. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is Article XIV of the Treaty of 1830. Do you think you understand the provisions of that Article? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied in any

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- way or attempted to comply with the provisions of that Article as read to you? A No sir, I don't know as I do.
- Q What is the name of your ancestor through whom you claim your right to be identified? A Lucy Snodgrass. My mother was a Snodgrass.
- Q That is your grandmother? A Grandmother, yes sir.
- Q Your mother's mother? A Mother's mother.
- Q How much Choctaw blood does she have? A Why, I don't know exactly how much she had. It lies farther back than that yet, up into her father, I think it is.
- Q Do you know? A He claimed three-fourths.
- Q Who? A My grandmother's father.
- Q What was his name? A Harris.
- Q What was his full name? A Jack Harris, I think it is.
- Q Did Jack Harris live in Mississippi? A I couldn't tell you.
- Q Did Lucy Snodgrass live in Mississippi? A Not as I know of.
- Q Did any of your Choctaw ancestors live in Mississippi? A Why, I couldn't tell you.
- Q You claim through your mother, Sarah E. Snyder. What was her maiden name, Sarah E. what? A Sarah E. Snodgrass.
- Q Did she ever live in Mississippi? A Not that I know of.
- Q How old is she now? A She's along about sixty-two or three years old I think.
- Q Where was she born? A She was born in Missouri, Cooper County.
- Q She claims through which parent, her father or mother? A Her mother.
- Q Lucy? A Yes sir.
- Q Where was she born? A I think she was born in Missouri. I don't know. Can't say.
- Q Did she ever live in Mississippi? A I can't say.
- Q Did she ever live in Alabama? A Couldn't say that either.
- Q She claimed through her father, Jack Harris? A Yes sir.
- Q How much Choctaw blood did he have? A Three-quarters, I think.
- Q What proof have you that he had three-quarters Choctaw blood? A Why, I have no proof only what I know.
- Q You are not able to testify positively? A No, I am not able to.
- Q Well, did you ever hear that said in the family? A Oh! yes!
- Q By whom in the family? A I have heard it talked of by my mother.
- Q Your mother said so? A Yes sir.
- Q Did Jack Harris speak the Choctaw language? A Well, I couldn't say. I never have seen him.
- Q Did Lucy Snodgrass speak the Choctaw language? A I couldn't say.
- Q Did he have an Indian name? A Well, I don't know whether it is an Indian name or not.
- Q No, Jack Harris isn't an Indian name. Do you know whether he had a Choctaw Indian name? A No, I do not.
- Q Did Lucy Snodgrass have an Indian name? A I couldn't say.
- Q Do you know when and where Jack Harris was born? A No sir, I do not.
- Q When and where he died? A No sir.
- Q Do you know where Lucy Snodgrass died? A Lucy Snodgrass, yes sir.
- Q Where did she die? A She died in Cooper County, Missouri.
- Q Missouri? A Missouri.
- Q How old was she when she died? A I couldn't say.
- Q Do you know whether any of your Choctaw ancestors lived in Mississippi or Alabama in 1830 and were the head of a family there at that time? A No sir, I can't say.
- Q Did any of your Choctaw ancestors own or claim any improvements

(5).

- on land in Mississippi or Alabama in 1830? A Couldn't say whether they did or not.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Couldn't say.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 tell the United States Indian Agent that they intended to stay in Mississippi or Alabama and take land there? A Couldn't say.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under Article XIV of the Treaty of 1830? A Couldn't say whether they did or not.
- Q Did they own or claim any land under any other article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? A Don't know whether they did or not.
- Q According to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, or the Treaty of 1830, the United States Indian Agent in Mississippi was instructed to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the Treaty of 1830, and told him that they wanted to stay in Mississippi and take land there. This United States Indian Agent, whose name was Colonel Ward, made a list known as Ward's Register, but that list contains the names of less than one hundred persons, heads of families, when in all probability thousands of applicants came before him and made declarations of their intentions to stay in Mississippi under Article XIV of the Treaty of Dancing Rabbit Creek, and whose names he did not record. This neglect on the part of the Indian Agent caused the land to be taken from a great many Indians who occupied it in Mississippi and Alabama, and this land was sold by the Government together with improvements upon it. This caused a great many complaints among the Indians so that in 1837, by Act of Congress approved March 3 of that year, a Commission was appointed which went to Mississippi and heard claimants under Article XIV and made lists of the names of successful claimants. In 1842 another Commission was appointed by Congress for the same purpose, and this Commission went to the state of Mississippi and also heard claimants under Article XIV and made lists of the names of successful claimants. Do you know whether any of your ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed any benefits under Article XIV? A No, I do not.
- Q The Act of Congress approved August 23, 1842 provided that if a Choctaw claimant appeared before that Commission and proved his claim under Article XIV, and if it also appeared that he had previously had his land taken from him by the Government that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that he should receive a certificate to that effect. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No I do not.
- Q Have you any documentary evidence that you want to present now in support of your application? Any papers or documents of any kind? A Not exactly at the present, no. I will have I suppose.
- Q Do you want time to present them? A Yes sir.

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reasonable time will be allowed this applicant in which to present documentary evidence in support of his application and also any other proper evidence if he desires, and also proof of the marriage of his father and mother.

- Q Have you any relatives that have appeared here for identification before? A Yes sir.
- Q Who are they? What are their names? A Sarah E. Snyder.
- Q What is it? A Sarah E. Snyder.
- Q Your mother? A Yes sir.
- Q Any others? A C. C. Snyder, my brother.
- Q Any others? A William Snyder, my brother.
- Q Any others? A And Annie Kerfoot, my sister.
- Q K-e-r-f-o-o-t is it? A Yes sir.
- Q These are all relatives of yours? A Yes sir.
- Q Claim through Jack Harris and his daughter, Lucy Snodgrass? A Yes sir. And I have an uncle.
- Q What is his name? A John Snodgrass.
- Q Any others? A Aunt.
- Q What is her name? A Aunt Nan Walser.
- Q Nan what? A Walser.
- Q Do you want to have their testimony considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.
- Q Do you understand the Choctaw language, or speak it? A No sir.
- Q Is there anything more you want to say in support of this application? A Not at the present, no sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has bl ack eyes, medium dark complexion, rather light brown moustaches, dark brown hair. Has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 10 day of December, 1901.

Clara M. Belford
Notary Public.

Muskogee, Indian Territory, December 2, 1901.

John T. Snyder,
Lexington Junction, Missouri.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

John Harris et al., John L. Jones,
Margaret E. Rodgers et al., James H. Jones et al.,
Wannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on October 28, 1901, you made personal application to this Commission for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

J. T. S.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3450

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choc. 3850

COPY.

Muskogee, Indian Territory, March 15, 1902.

John T. Snyder,

Lexington Junction, Missouri,

Dear Sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
Daniel W. Son, et al.,	M.C.R.	1386
John W. Son, et al.,	M.C.R.	1385
James F. Son, et al.,	M.C.R.	1387
George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

“Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.”

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississisipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED),

T. B. Needles.

Commissioner in Charge.

Registered.

M C R - 3850

Muskogee, Indian Territory, April 24, 1908.

John T. Snyder,

Lexington Junction, Missouri.

Dear Sir:

You are hereby advised that on the 14th day of April, 1908, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al; of which decision you were advised by registered mail on the 18th day of March, 1908.

Yours truly,

Acting Chairman.

1
REFER IN REPLY TO THE FOLLOWING:

M.O.R. 3850.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

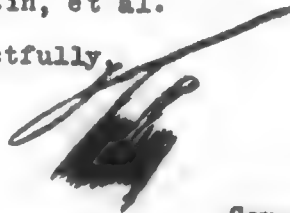
Muskogee, Indian Territory, November 16, 1906.

John T. Snyder,
Henry, Missouri.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,



Commissioner.



3



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



John T. Snyder,

~~Henry, Missouri.~~

0986

W. H. H. H.

No. 3850

For Identification as a Mississippi Choctaw.

Date OCT 28 1901

Name John T. Smyder

Age 31

Blood desc. Known

Post Office, Lexington Junction, Mo.

Father: W. J. Smyder

Mother: Sarah E. "

Claims through mother -

~~claim~~

claims for self
alone

Wm Belford

Choctaw MCR 3851

Ed. P. Snyder

See MCR D.1.

MCR 3851

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#1021.

In the matter of the application of Edmond P. Snyder
for the identification of himself and his minor child, Leoda Snyder,
as Mississippi Choctaws.

Applicant not represented by Attorney.

Edmond P. Snyder, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Snyder.
Q Always give the full name when a name is asked. A E. P. Snyder.
Q What does that "E" stand for? A Perry.
Q What? A Perry.
Q "E" don't stand for Perry. A "E" stands for Edmond.
Q That is your first name? A Ed-----I always sign my name Ed.
Q Ed P. Snyder is it? A Yes sir.
Q What is your age? A Twenty-nine years old.
Q Twenty-nine? A Yes sir.
Q What is your post office address? A It will be Lexington Junction now.
Q Missouri? A Yes sir.
Q Where were you born? A I was born in Missouri-----Richards County, Missouri.
Q How long did you live there before you removed from that state? A Lived in the state about twenty-four or five years, I guess.
Q Then you went where? A To Kansas.
Q How long did you stay in Kansas? A About a couple of years as I guess. Something like that.

(2).

- Q Where did you live in Kansas? A Neosho Falls.
- Q Then you went where? A Back to Missouri.
- Q What place? A Went back to Fairfield.
- Q Lived there how long? A I couldn't say just how long I did live there. Not very long till I went back to Washington.
- Q Washington where? A State of Washington.
- Q State? A Yes sir.
- Q And you lived there how long? A About a couple of years or three I guess.
- Q Then you went where? A Went from there here, straight.
- Q You came from there here and are on your way to Lexington Junction Missouri? A Yes sir.
- Q What is your father's name? A W. J. Snyder.
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Sarah E. Snyder.
- Q Is she living? A Yes sir.
- Q Through which parent do you claim Chectaw blood? A My mother.
- Q How much Chectaw blood do you claim? A Well, I couldn't say.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Chectaw Tribe of Indians, by either the Chectaw Tribal Authorities or the United States Authorities? A I couldn't say as to that.
- Q Can you tell when and where your father and mother were married? A Married in Cooper County, Missouri.
- Q Do you know what date? A I couldn't say what date they were married.
- Q Have you proof of their marriage with you? A No, I haven't any proof with me.
- Q Can you get it? A I think so.
- Q You will be allowed reasonable time to produce it. A Yes sir.
- Q Are you married? A No sir, I am single now. I have been married.
- Q You make application for yourself alone do you? A Well, I guess I better make it for my little girl.
- Q Well, if you think your mother has applied for her, I don't want two applications in here. If you say she has not applied then I will allow you to make it; otherwise I cannot. A Well, I will apply for her.
- Q You think she has not then? A Well, I think she has but I am going to apply for her. I have only got hearsay for that. I could apply for her and if it didn't go through it would be all right I suppose.
- Q It is all right for you, but it isn't all right for the record. It isn't our custom to duplicate applications and put in three or four just because people want to do that way. A Well, let that go then.
- Q I want to do justice to you. I want your child to get in. I want you to say that you are uncertain whether application has been made for her and that you make application on that account. A Well, that's what I say.
- Q What is the name of this child? A Leoda.
- Q What? A Leoda.
- Q Leoda Snyder? A Yes sir.
- Q How old is she? A She's five years old.
- Q And you are uncertain whether your mother has made application for this child or not? A Yes sir.
- Q What is your mother's name? A Sarah E. Snyder.
- Q Sarah E. Snyder? A Yes sir.
- Q When did she make application for identification? A About a week

(3).

- ago.
- Q Here in Atoka? A Yes sir.
- Q Week ago? A Something like that.
- Q Then if this child has been applied for it will appear in that application of your mother, Sarah E. Snyder, made a week ago?
- A Yes sir.
- Q Your wife is not living now? A No sir.
- Q What was her name? A Ada Walton.
- Q Ada Snyder? A Ada Snyder now.
- Q Was she the mother of this child? A Yes sir.
- Q When and where were you married to Ada Snyder? A In Warsaw, Missouri.
- Q Do you know what time-----day of the month and year? A Sixth of February, it's been five years ago.
- Q Were you married by a minister under a license? A Yes sir.
- Q Have you the proof of the marriage of yourself and wife. No I haven't. I will get the certificate. I haven't it here.
- Q Do you think you can get it? A Yes sir.

In view of the absence of the records from this Office, so that it cannot be determined whether or not Sarah E. Snyder made application for her grand-daughter-----daughter of this applicant-----this applicant is allowed to make a claim for his daughter Leoda Snyder, and the record of the application of Sarah E. Snyder will be examined in order that the Commission may determine whether or not this is the second application made for this child Leoda.

- Q Is your name or the name of this child on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory, A I don't think so.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Choctaw Tribal Authorities in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and this child, to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 18 96? A No sir, I did not.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for yourself and child either to the Choctaw Tribal Authorities, or the United States Authorities for enrollment or identification as a Choctaw citizen? A Yes sir, this is the first application.
- Q Do you now make application to this Commission for the identification of yourself and child as Mississippi Choctaws under Article XIV of the Treaty of 1830? A I couldn't say, sir.
- Q Do you understand that article of that treaty? A Yes sir.
- Q You know what a treaty is, don't you? A A treaty is an agreement

(4).

- Q It is a contract or agreement in writing made between Nations instead of between individuals. Such a treaty was made in 1830 between the Choctaw Tribe of Indians who lived in Mississippi and Alabama in 1830 and the United States Government. That treaty was made for the purpose of getting all of the Choctaw Indians to go from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, but before the treaty was signed it became known that a great many Choctaw Indians would not go to the new Choctaw Nation, Indian Territory, and in order to protect their interests Article XIV was put into the Treaty. That Article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Do you understand that article and the provisions of that article? A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article as read? A I couldn't say.
- Q What is the name of your ancestor through whom you claim your right to be identified? A My mother.
- Q Yes, your ancestor going back as far as you can? A Was Lucy Snodgrass, I guess.
- Q What relation was she to you? A My grandmother.
- Q When and where was she born? A Cooper County.
- Q Cooper County, Missouri-----when? A I couldn't say when.
- Q When and where did she die? A Cooper County, Missouri.
- Q When? A I couldn't say that. I couldn't give the date.
- Q How old would she be if she were living now, do you know? A I

(5).

couldn't tell you that.

- Q Did she ever live in Mississippi? A Couldn't say.
- Q She claimed through which ancestor, father or mother. She claimed through her father.
- Q What was his name? A Harris.
- Q Jack? A I think so.
- Q Do you know? A That's what I have been told.
- Q Who told you his name was Jack Harris? A My mother.
- Q Did he ever live in Mississippi or Alabama? A Couldn't say.
- Q Did he ever have an Indian name, or his daughter, Lucy Snodgrass? A I couldn't say.
- Q Did either of them ever speak the Choctaw language? A I couldn't say.
- Q Do you speak it or understand it? A No sir.
- Q Do you know when and where he was born? A I do not.
- Q Do you know when and where he died? A I couldn't say as to that.
- Q Do you know of any of your ancestors who were Choctaw Indians who lived in Mississippi or Alabama? A I do not.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1839? A I couldn't say.
- Q Did any of them within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent and tell him they wanted to stay in Mississippi and take land there? A I couldn't say.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830, or any time before that? A I couldn't say as to that.
- Q Were any of them heads of families in Mississippi or Alabama in 1830? A Couldn't say.
- Q Did any of your Choctaw ancestors own any land or claim any under Article XIV of the Treaty of 1830, either in Mississippi or Alabama? A Couldn't state.
- Q Did they claim or receive any benefits whatever under any other Article than Article XIV of the Treaty of 1830, or under the supplement of it? A I couldn't say as to that.
- Q According to the provisions of Article XIV of the Treaty of 1830 the United States Indian Agent, whose name was Colonel Ward, and who lived in Mississippi in 1830, was instructed by the United States Government to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the Treaty of 1830, and told him that they wanted to stay in Mississippi and take land there and become citizens of the States. This Agent made a list of names under the instructions of the Government called Ward's Register, but it contains only a few of the total number of applicants who came before him pursuant to the provisions of Article XIV of the Treaty of 1830. He made a very incomplete list leaving off the names of thousands of applicants. This neglect on his part caused a great many Indians to lose their land in Mississippi and Alabama, for it was taken from them by the Government and sold. This caused so many complaints among the Indians that in 1837 Congress appointed a Commission. This Commission went to the State of Mississippi and heard claimants under Article XIV of that Treaty and made a list of the names of successful claimants. In 1842, by Act of Congress approved August 23, 1842, another Commission was appointed and this Commission went to Mississippi and heard claimants under Article XIV and made a list of the names of successful claimants. Did

(6).

any of your ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits under Article XI V of that Treaty? A I couldn't say.

- Q The Act of Congress approved August 23, 1842, provided that if a Choctaw claimant proved his claim before it, under Article XIV of the Treaty of Dancing Rabbit Creek, and if it also appeared that his land had been previously taken from him by the Government, that he should be entitled to select land, either in Mississippi, Louisiana, Alabama or Arkansas, and that a certificate should be given to him to that effect. Do you know if any of your ancestors received any such certificates, called scrip, from the Government as Choctaw Indians? A I couldn't say as to that.
- Q Have you any documentary evidence you want to present now? A Not at present.
- Q Is there anything more you want to say about your claim? A Nothing only I will say if there is anything further-----.
- Q Do you want time in which to present evidence? A Yes sir.

Reasonable time will be allowed this applicant in which to present documentary evidence or such other proof as is proper if he desires.

- Q What relatives of yours have appeared before you for identification? A My mother, Sarah E. Snyder, and W. L. Snyder.
- Q Brother? A Yes sir. Sister, Mrs. Kerfoot.
- Q What is her full name? A Annie Kerfoot.
- Q Any others? A My brother, C. C. Snyder.
- Q Any others? A I have some uncles that was here, I guess.
- Q What is their names? A Snodgrass-----John Snodgrass.
- Q Any others? A No, I don't know as there's any others. Yes Nan Walser.
- Q Mrs. Nannie Walser? A Yes sir.
- Q Are these all relatives of yours? A Yes sir.
- Q And all claim through the same common ancestor with you, Jack Harris and Lucy Snodgrass? A Yes sir.
- Q Do you want their testimony considered with yours when yours is examined? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has medium light complexion, light moustaches, and dark brown hair, and blue eyes. He does not understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

(7).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 10 day of December, 1901.

Charles M. Wood

Notary Public.

Muskogee, Indian Territory, December 2, 1901.

Ed P. Snyder,
Lexington Junction, Missouri.

Dear Sir:

In the matter of the applications for identification as
Mississippi Choctaws of

John Harris et al., John L. Jones,
Margaret E. Rodgers et al., James M. Jones et al.,
Mannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on October 28, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

M. P. S.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3251

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choc. 3851

COPY.

Muskogee, Indian Territory, March 15, 1902.

Ed P. Snyder,

Lexington Junction, Missouri,

Dear Sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Roberta J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

Said decision, after a review of the evidence submitted, concludes as follows :

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

“ ‘Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.’ ”

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershal Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitle to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). *T. B. Needles.*

Commissioner in Charge.

Registered.

M. C. R. - 3482

Washogee, Indian Territory, April 24, 1902.

Ed. P. Snyder,

Lexington Junction, Missouri.

Dear Sir:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John E. Martin, et al.; of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Acting Chairman.

NOTED IN REPLY TO THE FOLLOWING:

M.C.R. 3851.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 16, 1906.

Ed P. Snyder,

Henry, Missouri.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

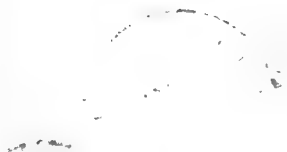


Commissioner.



1st class
Commodore

P. 1.



14

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Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Miss Choctaw Div.

3851

Ed P. Snyder,

~~Henry, Missouri.~~



No. 3851

For Identification as a Mississippi Choctaw.

Date OCT 28 1901

Name Ed P. Snyder

Age 29 - Blood Irish, German

Post Office, Lexington Junction, Mo.

Father: W. J. Snyder, l

Mother: Sarah E. Snyder, l

Claims through mother
wife - Ada Snyder, (d)

~~children~~
Child -

Leoda Snyder, 5

Claims for self
and child -

Stenographer Hal Belford

Choctaw MCR 3852

Polly Moore

See MCR 3853

MCR 3852

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Polly Moore, et al., for identification as Mississippi Chetaws, consolidating the applications of

Polly Moore,.....M.C.R. 3882
John W. Moore, et al.....M.C.R. 3883.

List of papers forwarded to the Secretario of the Interior
comprising the record in the consolidated case of
Polly Moore, et al.

Original application of Polly Moore, to
the Dawes Commission for identification
as a Mississippi Chetaw.....8

Original application of John W. Moore, et
al., to the Dawes Commission for identifi-
cation as Mississippi Chetaws.....9

Decision of the Commission denying the
applications in the consolidated case
of Polly Moore, et al., for identifi-
cation as Mississippi Chetaws.....15.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3852.

In the matter of the application of Polly Moore for
identification as a Mississippi Choctaw.

Applicant represented by L. P. Hudson, Attorney.

Polly Moore, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Moore is my name.
Q Full name? A Polly.
Q M-o-r-e or M-co-r-e? A M-co-r-e.
Q What is your age? A 1835 I was born.
Q How old would that make you now? A Sixty-six.
Q What is your post office address? A Why, what is the post office
address? I have moved. Gainesville, yes, I have been moving,
that's what bothers me.
Q Gainesville where? A Texas.
Q How long have you lived in Gainesville? A Nearly two months.
Q Where were you born? A Alabama.
Q Where in Alabama? A Benton County.
Q When did you live in Alabama? A I left Alabama forty-eight year
age last July.
Q And went to what state? A Texas.
Q Have you lived there ever since? A Yes sir.
Q What is your father's name? A Coates.

(2).

Q Give his full name? A Daniel Coates.
Q Colts?

By Attorney.

A Coates, C-o-a-t-e-s .

Q Is he living or dead? A Dead.
Q What is your mother's name or was your mother's name? A Martha Coates-----Martha Smith.
Q Martha Coates. Is she living? A No sir, she's dead.
Q Through which parent to you claim Choctaw blood? A On the grandfather's side.
Q Which parent, father or mother? A Mother.
Q You claim through her father? A Yes sir.
Q How much Choctaw blood do you claim? A Eighth.
Q One-eighth. Have you with you the proof of the marriage of your father and mother? A No sir.
Q Do you think you can get it? A I don't know.
Q Do you know when they were married? A No sir.
Q Or where? A No sir. They was married in Alabama or in Georgia.
Q You don't know which? A No sir.
Q Do you know whether they was married by a minister under a license A I don't know.
Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A I don't know. I don't think she was.
Q Are you married? A I am a widow.
Q You are a widow. You apply only for yourself? A Yes sir.
Q What is your husband's name? A Moore-----Crosby Moore.
Q What? A Crosby Moore.
Q What?

By Attorney.

A Crosby, C-r-o-s-b-y .

Q He is dead? A Yes sir.
Q Is your name on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes acting under, applying under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
Q Is this the first application for citizenship in the Choctaw Nation that you have ever made either to the Choctaw Tribal Authorities or to the United States Authorities? A Yes sir.

(3).

- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw, claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I don't know. It's an agreement ain't it?
- Q Yes, it was an agreement or compact made between the Choctaw Tribe of Indians who lived in Mississippi and Alabama in the old Choctaw nation at that time, in 1830, and the United States Government, called a treaty. This treaty was made for the purpose of getting all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi River to go west of the Mississippi River to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would refuse to go to the new Choctaw Nation, so in order to protect their interests Article XIV was put into the treaty. It then became signed, and ratified afterwards. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article do you? A I don't know.
- Q Don't you understand it well enough to claim under it? A Yes sir I understand it that well.
- Q Well, you understand the purpose of that article was to protect the interests of the Choctaw Indians who stayed in Mississippi, and that the purpose of the treaty was to get them all to go from that old Nation to the new Choctaw Nation here in the Indian Territory. And you understand those conditions there do you not?

(4).

- A Yes sir.
- Q Now do you know if any of your Choctaw ancestors complied with any of those provisions of Article XIV of that treaty? A I don't know.
- Q What was the name of your ancestors through whom you claim your right to be identified now as a Mississippi Choctaw? A What do I claim it under?
- Q Yes, through what person, grandfather or grandmother? A Grandfather.
- Q What is his name? A Smith? Edmond Smith.
- Q Edmond. A Yes sir, and my grandmother.
- Q From both sides? A Yes sir, on my mother's side.
- Q Edmond Smith and what was your grandmother's name? A Polly Culpepper. Was before she married Smith.
- Q You claim through your mother? A Yes sir.
- Q Are these your mother's parents? A Yes sir.
- Q Did they ever live in Mississippi, either of them? A Alabama when I knowed them.
- Q Alabama, what part of Alabama did they live in? A Benton County
- Q Were they living there in 1830? A Yes sir, they was there when the treaty was made. Oxford was the County seat.
- Q They lived in Alabama. Now just where did they live in Alabama? A Benton County.
- Q Well, what place? A On the waters of Coosa River. We lived up close to Tennessee.
- Q Did you live in the old Choctaw Nation in Alabama? You understand the old Choctaw Nation was partly in the State of Mississippi? A Well, I don't know.
- Q And partly in the state of Alabama. If that is the line between just a little fraction like that went over into Alabama. This would be Mississippi, this would be the Choctaw Nation. Do you know if you lived or if your parents lived in Alabama in that section of it which was embraced in the old Choctaw Nation?

By the Attorney.

A Well, as a fact, Benton County was in a part of that.

- Q Then as you understand it, Benton County was in that old Choctaw Nation? A Yes sir.
- Q And you lived in Benton County? A Yes sir.
- Q When and where was Edmond Smith born? A I don't know.
- Q When and where did he die? A He died in Titus County.
- Q Where? A Titus County, Texas.
- Q What time? A I can't give the date. It was the second year of the war.
- Q How old would he be if he were living now, do you know? A No sir I do not.
- Q When and where was his wife, Polly Culpepper born, Polly Smith? A I don't know.
- Q When and where did she die? A Alabama.
- Q Whereabouts in Alabama? A Benton County.
- Q Do you know how old she would be if she were living now? A No sir.
- Q How much Choctaw blood did Edmond Smith have? A I don't know.

(5).

- Q How much did his wife Polly have? A I don't know.
- Q You claim they both had Choctaw blood? A Yes sir.
- Q Did she get her Choctaw blood from father or mother? That is Polly now? A Well, she got it on her father's side.
- Q What was his name do you know? A Culpepper.
- Q Full name? A Yes sir, I don't know his full name.
- Q Was he a fullblood Indian, or half blood, or how much? A I never heard them say.
- Q Through which parent did Edmond Smith get his Choctaw blood? A His father.
- Q What was his father's full name? A I don't know.
- Q How much Choctaw blood did he have? A I don't know.
- Q Did your mother ever live in Mississippi or Alabama? A She lived in Alabama.
- Q Where was she born? A I don't know.
- Q When did she leave Alabama, if she ever left it? A She left it forty-eight year ago.
- Q And went where? A Texas.
- Q How old would she be if living now, do you know? A She would be seventy-eight or seventy-nine, somewhere along about there.
- Q So that she was born a number of years before 1830, in Benton County, Alabama? A Now, I beg to be excused there. My mother was sixty-three when she died, and she'd a been somewhere----- she'd a been over any seventy. She'd a been somewhere in eighty.
- Q Well, then she was born then you think about ten years before 1830? A Well now I will give the date now, I recollect. She was borned in 1811.
- Q 1811? A Yes sir.
- Q Was Edmond Smith the head of a family in Alabama in the old Choctaw Nation in 1830? A Yes sir.
- Q Did he and his wife, or did he or his wife own any improvements on land in Mississippi or Alabama in 1830? A No sir, not that I know of.
- Q Did they or any of your Choctaw ancestors within six months from the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi and take land there? A No sir, not that I know of.
- Q Did they or any of your Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation Indian territory with the other Indians, between 1833 and 1838 or 1840? A I don't know.
- Q Did they or any others of your Choctaw ancestors own or claim any land in Mississippi or Alabama in 1830, from the Government under Article XIV of the Treaty of 1830? A I don't know.
- Q Did they claim or own any land or any benefits whatever under any other article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? A I don't know.
- Q According to the provisions of Article XIV of the Treaty of 1830, the United States Indian Agent, Colonel Ward, was instructed by the United States Government to make a list of the names of all Choctaw Indians who went to him within six months from the ratification of the treaty of 1830, and told him that they wanted to stay there in Mississippi and Alabama, that is in the old Choctaw Nation and take land there and become citizens of the United States. This United States Indian Agent made a list called Ward's register. It contained the names of less than one hundred Indians who made that application under Article XIV. He neglected to put upon his list hundreds if not thousands of the names of Indians who went before him and made their declarations as re-

(6).

required under Article XIV of that Treaty. This neglect of his caused many Indians who had land in Mississippi and Alabama to lose both land and improvements which they had upon it, and so many complaints were made that Congress in 1837 by an Act approved March 3, of that year, appointed a Commission and this Commission went to the State of Mississippi and heard a great many claimants under Article XIV, and made lists of the names of successful claimants. In 1842, by an Act of Congress approved August 23 of that year, another Commission was appointed by Congress and this Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830 and made lists of the names of successful claimants. Do you know if any of your Choctaw ancestors went before either of those two Commissions and claimed any benefits under Article XIV of the treaty of 1830? A I don't know of any of them.

- Q The Act of Congress approved August 23, 1842 provided that if any claimant appeared before this commission and proved his claim under Article XIV and if it also appeared further that his land had been previously taken from him he should be entitled to select land, either in Mississippi, Alabama, Louisiana or Arkansas which land should be taken from Vacant Government land, and that a certificate, or as it at that time was called, scrip, should be issued to him to that effect. Do you know whether any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No sir.
- Q Have you any documentary evidence now which you want to present in support of your application.

Here L. P. Hudson, Attorney for the applicant asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

- Q Do you speak or understand the Choctaw language. A No sir.
- Q Is there anything more you want to say in support of this claim? A No sir.
- Q Have you any witnesses you want to call? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Complexion is dark, she has blue eyes and gray hair formerly black. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

(7).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on October 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of December, 1901.

Clara Mitchell Wood
Notary Public

C.M.W.
C.V.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Pelly Moore, et al., for identification as Mississippi Choctaws, consolidating the applications of

Pelly Moore.....M.C.R. 2222
John W. Moore, et al.....M.C.R. 2222.

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Pelly Moore for himself and by John W. Moore for himself and his five minor children, Clarence, Grover, Mary E., Esther L. and Ida May Moore, under the following provision of the act of Congress approved June 28, 1906, (34 Stats., 495):

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

(3).

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Edmond Smith, who is alleged to have been an one-quarter blood Choctaw Indian, and Polly Smith (nee Culpepper), who is alleged to have been a Choctaw Indian (degree of blood not known) and both to have resided in the old Choctaw Nation in Alabama in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Edmond Smith or Polly Smith (nee Culpepper), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention

(2).

to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pelly Moore, John W. Moore, Clarence Moore, Grever Moore, Mary E. Moore, Luther L. Moore and Ida May Moore as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


C. R. Buchanan.

Commissioner.

Muskogee, Indian Territory,

AUG 29 1902.

M.C.R. 3852

COPY.

Waskagee, Indian Territory, August 29, 1902.

Polly Moore,
Gainesville, Texas.

Dear Madam:

You are hereby advised that on the 29th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Polly Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Polly Moore, M.C.R. 3852
John W. Moore, et al., M.C.R. 3853

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Polly

Polly Moore- 2

Moore, John W. Moore, Clarence Moore, Grever Moore, Mary E. Moore, Luther L. Moore and Ida May Moore as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James Dixon.

Acting Chairman.

Registered.

Copy

Muskogee, Indian Territory, August 29, 1902.

Mansfield, McMurray and Cornish,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Polly Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Polly Moore,	M.C.R. 3852
John W. Moore, et al.,	M.C.R. 3853

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity

Mansfield, McMurray and Cernish--2

of Pelly Moore, John W. Moore, Clarence Moore, Grover Moore, Mary E. Moore, Luther L. Moore and Ida May Moore as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

COPI

Muskogee, Indian Territory, August 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the consolidated case of Folly Moore, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 29, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Folly Moore,	H.C.R. 3852
John W. Moore, et al.,	H.C.R. 3853

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

John D. Dyer
Acting Chairman.

Through Commissioner
of Indian Affairs.
1 enclosure

- Copy -

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Land
51964-1902.

Washington, Oct. 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made August 29, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the consolidated case of Polly Moore, et al., applicants for identification as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the treaty of September 27, 1830.

Polly Moore applies for the identification of herself and John W. Moore, for himself and his five minor children, Clarence, Grover, Mary E., Luther L. and Ida May.

August 29, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed through Martha Coates, nee Smith, mother of principal applicant, Polly Moore, to her grandparents, Edmund and Polly Smith.

The applicants are not full-blood Choctaw Indians. A careful examination of the records of this office fails to show that any of the above named ancestors received a patent to land

under the provisions of the fourteenth article of the treaty of 1830, or complied or attempted to comply with the provisions of said article; neither does it appear that they applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of any rights they may have had as Choctaw Indians.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications be affirmed.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW
D

3 inclosures.

D.C. No. 63393

KAP.

DEPARTMENT OF THE INTERIOR.

ITD.6381-1902.

Washington, October 23, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

McKees, I. T.

Gentlemen:

August 29, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Polly Moore and of John W., Clarence, Grover, Mary E., Luther L. and Ida May Moore.

The applicants endeavor to trace their descent from one Edmond Smith, an alleged one-fourth blood Choctaw Indian, and Polly Smith (nee Culpepper), an alleged Choctaw, both of whom are said to have resided in the old Choctaw Nation in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that said Edmond Smith or Polly Smith, or a less remote ancestor of the applicants, complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications August 29, 1902.

Forwarding the papers October 15, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully reviewed the entire record and hereby affirms your decision.

Respectfully,

R. A. HITCHCOCK,

Secretary.

EDD

3 inclosures.

M. O. R. 3862

COPY.

Washago, Indian Territory, November 7, 1902.

Polly Moore,

Gainesville, Texas.

Dear Madam:

You are hereby advised that on the 23d day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Polly Moore, et al., of which decision you were advised by registered mail on the 29th day of August, 1902.

Respectfully,

(SIGNED BY)

Tamie Ditty.
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Mansfield, McMurray & Gernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23d day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Polly Moore, et al., of which decision you were advised by mail on the 29th day of August, 1902.

Respectfully,

Samuel Dinty
Acting Chairman.

Consolidated Case
of
Polly Moore

P V B 3852

Edmond Smith 4²

married

Polly Culpepper

Martha Smith 90
dead

married

Daniel Coates
dead

mcr
3852

Polly Coates 66- $\frac{1}{2}$

married

Crosby Moore
dead

mcr
3852

John W. Moore 46- $\frac{1}{2}$

married

Malverine Mcgee
-w.

mcr
3852

Clarence Moore 19

" Grover " 17

" Mary E. " 15

" Luther L. " 7

" Ida M. " 5

No. 3852

For Identification as a Mississippi Choctaw.

Date OCT 28 1901

Name Pilly Morn

Age 66 Blood 1/8

Post Office, Fairville, Texas.

Father: Daniel Coates, d

Mother: Martha " d

Claims through Mother
Husband Crosby Morn (d)

~~None~~

Claims for self
alone.

Stenographer Hal Belford

Choctaw MCR 3853

John W. Moore

See MCR 3852

MCR 3853

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3853.

In the matter of the application of John W. Moore for the identification of himself and his five minor children, Clarence, Grever, Mary E., Arthur L., and Ida M. Moore, as Mississippi Choctaws.

Applicant represented by L. P. Hudson, Attorney.

John W. Moore, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q Your name is what? A John Moore.
Q M-o-o-r-e? A Yes sir, John W.
Q John W.? A Yes sir.
Q What is your age, Mr. Moore? A Forty-six.
Q What is your post office address? A Gainesville, Texas.
Q G-a-i-n-e-s-v-i-l-l-e, is it? A Yes sir, yes sir.
Q Where were you born? A I was born in Titus County, Texas.
Q How long have you lived there? A Well, I lived there and in adjoining counties till I was about four or five years old.
Q Did you ever live anywhere else except in the State of Texas?
A No sir.
Q Always lived in Texas? A Yes sir.
Q After you left the place of your birth where did you go to in Texas? A Went to North Texas. Well, we stopped you might say permanently in Wise County.
Q How long did you live there? A Till a couple of months ago I moved my residence to Gainesville.

(2).

- Q What is the name of the place where you lived the longest? A Decatur, Wise County. Decatur Texas.
- Q What is the name of your father? A Crosby Moore.
- Q Is he living? A No sir.
- Q What is the name of your mother? A Polly Moore.
- Q She has just appeared for identification on this date, has she not October 28? A Yes sir.
- Q Have you any other relatives who have been here before you? A None that I know of.
- Q Do you want her testimony considered with yours that both may have the advantage of what the other testified to? A Yes sir, I suppose so.
- Q Do you claim through the same common ancestor? A Yes sir.
- Q What is the name of that Common ancestor, or the names? A Edmond Smith, and through my grandmother from him.
- Q Polly Smith? A Martha Smith.
- Q What is Edmond Smith's wife's name, or was? A His wife's name was, Oh, I don't know. I can't remember. I never seen her. Don't know.
- Q You claim through which parent? A My mother.
- Q How much Choctaw blood do you claim? A Well, my mother claims about an eighth.
- Q You claim how much? A Well, I would claim-----I don't know.
- Q Half, wouldn't you? A I would claim half of that I suppose, it would be a sixteenth.
- Q Has your mother ever been recognized in any manner whatever or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities in the Indian territory? A No sir.
- Q When and where were your father and mother married? A They were married in Alabama.
- Q Do you remember the day of the month and the year? A No sir, I do not.
- Q Do you remember whether they were married by a minister under a license or not? A I don't know sir whether they were or not.
- Q Have you proof of their marriage with you? A No sir.
- Q Can you get it do you think? A Not as I knew of.
- Q You will be given an opportunity to endeavor to prove it. Are you married? A Yes sir.
- Q What is your wife's name? A Malderine Moore. McGee was her maiden name?
- Q No, her name now? A Malderine.
- Q M-a-l-d-e-r-i-n-e? A Yes sir.
- Q Is she an Indian or a White woman? A White woman.
- Q Do you make any claim for her? A No sir.
- Q Have you any children you want to make application for under twenty-one years of age and unmarried? A Yes sir, I have five.
- Q What is the name of the eldest? A Clarence.

By Attorney.

- Q His age? A Nineteen.
- Q Next one? A Grover.

By the Commission.

(3).

Q What is the name? A Grover.

By Attorney.

Q His age? A Seventeen.

By the Commission.

Q Next? A Mary E.

Q What is the age? A Fifteen.

Q Next? A Luther L.

Q How old is she? A Seven.

Q Next is? A Ida May.

Q How old is Ida May? A Five years old.

Q Is Malderine Moore the mother of these children? A Yes sir.

Q Are you the father? A Yes sir.

Q Was she ever married before you married her? A No sir.

Q Were you ever married before you married her? A No sir.

Q Are these children living with you at your home? A Yes sir.

Q When and where were you married to your wife? A I was married in Wise County, about the 10th day of July, 1878.

Q In Texas? A Yes sir.

Q By a minister? A No sir, Justice of the peace.

Q Under a license? A Yes sir.

Q Have you your marriage license and certificate with you? A '79 it was in place of '78. '79.

Q Have you the marriage license and certificate with you? A No sir.

Q You will be allowed time in which to produce the proof of the marriage of your self and wife. A Yes sir, I can get it. My mother is present if necessary to take her testimony.

By Attorney.

Q You can get a copy of your mother's marriage license and certificate. That's the best evidence. A The Court House is burned since then. Might have been destroyed. I don't know.

By the Commission.

Q Is your name or the names of these Children on any of the Tribal Roll of the Chectaw Nation on the Indian Territory. A No sir.

Q Have you ever made application for citizenship in the Chectaw Nation for yourself and children to the Chectaw Tribal Authorities A No sir.

Q Have you ever made application for yourself and children as members of the Chectaw Nation, to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

(4).

- Q Is this the first application for citizenship into the Indian Territory you have ever made for yourself and children either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaw under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that Article of that Treaty? A Well, I don't know sir. I have never read it.
- Q Article XIV of the Treaty of 1830 was put into that treaty for the purpose of protecting the interests of those Mississippi Choctaws who refused to go to the new Choctaw Nation in the Indian Territory with the other Indians after the Treaty of 1830 was ratified. The Treaty of 1830 sometimes called the Treaty of Dancing Rabbit Creek was made September 27 of that year, and was made for the purpose, and for the only purpose of getting the Choctaw Indians all to leave the old Choctaw Nation east of the Mississippi River and inducing them to go to the new Choctaw Nation west of the Mississippi River in the Indian Territory, because some of those Indians refused to remove Article XIV was put into the Treaty, and then it became ratified. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that Article of that Treaty? A Yes sir, I understand the reading of it.
- Q What? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or

(8).

attempted to comply with any of the provisions of that article as read and explained? A No sir, I have no knowledge of it if they did.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother Coates.

Q What? A My grandmother Coates who was a descendant of Edmund Smith.

By Attorney.

Q Then it goes back to Edmund Smith? A Yes sir.

By the Commission.

Q You go back to Edmund Smith? A Yes sir.

Q How much Choctaw blood did he have? A He claimed to be a quarter

Q A Quarter? A Yes sir.

By Attorney.

His blood comes from both sides.

By the Commission.

Q How much did Polly Smith, his wife have? A I don't know.

Q You claim through her? A I suppose from the two sides. Yes sir.

Q Edmund Smith and his wife Polly. A Yes sir.

Q Did either of them have Choctaw names? A I don't know sir whether they did or not.

Q Did either of them speak the Choctaw language? A Not that I know of. He didn't I know. I never seen her. I don't know.

Q Do you understand or speak the Choctaw language? A No sir.

Q You claim through which parent father or mother? A Mother.

Q What was her father's name? A Daniel Coates.

Q Daniel Coates? A Yes sir.

Q Did your mother claim through him? A No sir, she claims through her mother.

Q Her mother what was her mother's name? A Martha Coates.

Q Martha Coates. Did she live in the old Choctaw Nation in Alabama?

A She once lived there, yes sir.

Q Do you know whether Edmund Smith or Polly Smith lived there?

A Yes sir, they did.

Q And they were the parents of your-----? A Of my grandmother. My mother's mother.

Q Your grandmother, Martha Coates? A Yes sir.

Q How old would Martha Coates be if she were living now? A Well, I don't know sir. She was-----I have heard her say she was born in 1811.

Q 1811? A Yes sir.

(6).

- Q Do you know whether she or any of your Choctaw ancestors owned any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know sir whether they did or not.
- Q Did you ever receive or claim any benefits from the United States Government as a Choctaw Indian? A No sir.
- Q Do you know if any of your ancestors ever did? A No sir, I do not.
- Q Did they ever receive or claim any land from the Government as Choctaw Indians under Article XIV of the Treaty of 1830? A No sir, not that I know of.
- Q Did they ever receive any benefits or own any land under any other article of the Treaty of 1830 than article XIV or under the supplement of that treaty? A Not that I know of.
- Q Did they ever own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir whether they did or not.
- Q Were they recognized members of the old Choctaw Tribe of Indians at that time do you know? A Couldn't tell you.
- Q Did they go any of them to the United States Indian Agent within six months from the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi and take land there? A I don't know sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q According to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the United States Indian Agent, Colonel Ward, was required to make a list of the names of all Choctaw Indians who came before him within six months after the ratification of the Treaty of 1830, and told him that they wanted to stay in Mississippi and take land there. This United States Indian Agent made a list called Ward's Register. It contains the name of less than one hundred claimants who came before him within six months from the ratification of the Treaty of 1830. All the rest of the applicants-----and there were hundreds---perhaps thousands-----failed to get their names placed upon that list or register, or upon any register made by Colonel Ward. This neglect to make a complete list on his part caused land which was occupied by many Indians in Mississippi and Alabama to be taken from them and sold by the Government. This action on the part of the Government caused a great many complaints among the Indians so that in 1837 Congress appointed a Commission by an Act of Congress approved March 3rd of that year, and this Commission went to the state of Mississippi and heard claimants under Article XIV and made lists of the names of many of them whose claims were approved. In 1842 another Commission was appointed by Congress for the same purpose and this Commission made lists of the names of successful claimants who came before it. Do you know if any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed benefits under Article XIV of that Treaty? A No sir, I do not.
- Q The Act of Congress approved August 23, 1842 provided that if any Choctaw claimant proved his claim before that Commission of 1842 if it also appeared that his property had been taken from him by the Government, that he should be entitled to select property in Mississippi, Louisiana, Alabama or Arkansas, and that a certificate or scrip as it was called, should be given to him to that effect. Did any of your Choctaw ancestors receive any such scrip from the Government of the United States as Choctaw Indians? A No

(7).

sir, not that I know of.

Q Have you any documentary evidence that you would like to present?

Here Attorney for applicant, L. P. Hudson, asked leave to file written evidence in support of this claim in the near future, including proof of marriage.

Motion granted.

Q Is there anything more you want to say in support of your claim?
A No sir, not that I know of.

This applicant has the appearance and physical characteristics of being descended from partly white and partly Indian parentage. He has black eyes, very dark complexion, and dark hair. In the opinion of the Commission there is an Indian cast of features. Certainly a mixture of other blood besides white, which in the opinion of the Commission is Indian. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Hal Belford

Subscribed and sworn to before me this 12 day of December, 1901.

W. M. Mitchell
Notary Public

M.C.R. 3853

COPY.

Muskogee, Indian Territory, August 29, 1902.

John W. Moore,
Gainesville, Texas.

Dear Sir:

You are hereby advised that on the 29th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Polly Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Polly Moore, M.C.R. 3852
John W. Moore, et al., M.C.R. 3853

These applications were made under the provisions of the act of Congress of June 25, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Polly Moore, John W. Moore, Clarence Moore, Grover Moore, Mary E.

John W. Moore--2

Moore, Luther L. Moore and Ida May Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James H. H. H.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 7, 1902.

John W. Moore,
Gainesville, Texas.

Dear Sir:

You are hereby advised that on the 23d day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Polly Moore, et al., of which decision you were advised by registered mail on the 29th day of August, 1902.

Respectfully,

(SIGNED).

James D. Smith
Acting Chairman.

For Identification as a Mississippi Choctaw.

OCT 28 1901

Name *John W. Moore*

Age *46* Blood *1/16*

Post Office, *Gainesville, Texas*

Father: *Crosby Moore, d*

Mother: *Polly " L.*

Claims through *Mother*
Malvorne Moore, w.

No claim for wife.

Children:

<i>Clarence</i>	<i>Moore</i>	<i>19</i>
<i>Grover</i>	<i>"</i>	<i>17</i>
<i>Mary E.</i>	<i>"</i>	<i>15</i>
<i>Arthur L.</i>	<i>"</i>	<i>7</i>
<i>Ida M.</i>	<i>"</i>	<i>5</i>

Claims for self & children -

Stenographer

Hal Buford

Choctaw MCR 3854

William J. Adams

See MCR 2857

MCR 3854

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3864.

In the matter of the application of William J. Adams
for identification as a Mississippi Choctaw.

Applicant represented by A. Telle, Attorney.

William J. Adams, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A William J. Adams.
Q William J. Adams? A Yes sir.
Q How old are you? A I am thirty years old.
Q What is your post office address? A Robert Lee, Texas.
Q Robert Lee, two names? A Yes sir, Robert Lee.
Q How long have you lived there? A I have only been there about a
month.
Q Where were you born? A Texas. Freestone County, Texas.
Q Have you always lived in Texas? A Yes sir.
Q Where have you lived in Texas most of your life? A In Navarro
County.
Q What? A In Navarro County.
Q What is your father's name? A Peter L. Adams.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Adams.
Q Mary, is that the whole name or is it Mary J.? A Mary D.
Q Mary what? A Mary D. Adams.
Q Is she living? A No sir.

(2).

- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much do you claim? A One-sixteenth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.
- Q When and where were your father and mother married? A They was married in Freestone County.
- Q Texas? A Yes sir.
- Q What day of the month and year? A Let's see. I couldn't give you the dates.
- Q Have you the proof of their marriage with you? A No sir.
- Q Think you can produce it? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Beulah B. Adams.
- Q What is it? A Beluah B. Adames.
- Q How do you spell Beulah? A B-e-u-l-a-h .
- Q V? A B.
- Q White woman? A Yes sir.
- Q She is not an Indian. Do you make claim for her? A No sir.
- Q Have you children? A No sir.
- Q Claim for yourself alone? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities in the Indian Territory? A No sir.
- Q Did you ever make application for enrollment as a citizen of the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made of any description for enrollment as a citizen of the Choctaw Nation either to the Choctaw Tribal Authorities or the United States Authorities? A First, yes sir.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming an interest in the Choctaw lands in the Indian Territory under Article XIV of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article XIV of the Treaty of 1830? A Why I don't know. It's made for the provision of the Indians moving west from Mississippi. The Article XIV is for those that wanted to stay in Mississippi.
- Q Yes. Do you remember the editions that were placed in that article? A No sir, I don't know as I do.
- Q That treaty was made as you say for the purpose of effecting the removal of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became evidenced that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory, and in order to protect their interests Article XIV was put into the Treaty. Now Article XIV provided that those Choctaw Indians might afterwards go to the new Choctaw Nation Indian Territory and have the same rights of citizenship there that the other Indians had who went under the provisions of other ar-

(3).

ticles of the treaty if they would do certain things. Those things were; that they were required to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the Treaty of 1830 and tell him that they intended to stay in Mississippi, that they wanted to take land there in the old Choctaw Nation, and their intention was to become citizens of the United States. If they did those things and afterwards went to the Choctaw Nation, Indian Territory, then they would have all the rights with other members of the Choctaw Nation, except the right to share in the annuities, which right was given to the Indians who went under the other articles of the Treaty of 1830, to the new Choctaw Nation. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you claim under that article? A Yes sir.
- Q Do you understand its provisions now as read and explained to you? A I guess so.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of this article as read and explained to you? A I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified? A Elizabeth Smith.
- Q Elizabeth Smith. What relation was she to you? A She was I guess about my great-great-grandmother. Something like that.
- Q Can't you tell exactly? A Yes, it's my great-great-grandmother.
- Q How much Choctaw blood did she have? A She was a half. Her mother also was named Elizabeth Smith, was a fullblood.
- Q Did they live in Mississippi or Alabama? A In Mississippi.

(4).

- Q Did they live in Mississippi, either of them, in 1830? A I am told they did.
- Q Were they-----did they have children there at that time-----a family? A I don't know.
- Q You claim through which parent, your father or mother? A My mother.
- Q She is dead-----how old would she be if living now? A She would be sixty-seven the 17th of December.
- Q Where was she born? A She was born in Newton County, Mississippi-----fifty-seven I should have said instead of sixty-seven.
- Q Through which parent did she claim? A Her mother.
- Q What was her mother's name? A Mary Williamson.
- Q Mary Williamson-----did she live in Mississippi? A Yes sir.
- Q Do you know when she died-----Mary Williamson? A She died in '76.
- Q How old was she when she died? A I couldn't tell you.
- Q Would she be an old woman? A yes sir.
- Q Mary Williamson, your grandmother, claimed through which parent, father or mother? A Her mother.
- Q What was her mother's name? A Her mother's name? A Elizabeth Blakeland.
- Q Maiden name Elizabeth Smith? A Yes sir.
- Q And her mother's name was Elizabeth Smith? A Yes sir.
- Q Did any of your Choctaw ancestors speak the Choctaw language? A I don't know sir.
- Q Did any of them have Choctaw names? A I don't know that.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent within six months from the ratification of the Treaty of 1830, and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Did any of them claim or receive any land under Article XIV of the Treaty of 1830? A I don't know.
- Q Did they claim or receive any land or any benefits under any other article of the treaty of 1830 than Article XIV or under the supplement of that treaty? A No sir.
- Q The United States Indian Agent Colonel Ward, was directed by the Government to make a list of the name of all claimants who came before him within six months after the ratification of the Treaty of 1830, and declared to him their intention of becoming citizens of the United States and of remaining in Mississippi and taking land there. This United States Indian Agent made out a list called Ward's register, which contains the names of less than one hundred applicants who were heads of families, and who claimed benefits under Article XIV of the Treaty of 1830. There were hundreds and perhaps thousands of applicants who went before him making the same declarations whose names he failed to place upon any list. As a result of this neglect on his part, a good many Indians who held land in Mississippi upon which they had improvements had both land and improvements taken from them by the Government of the United States and sold. This caused a great many complaints on the part of the Indians, so that in 1837, Congress by an Act approved March 3, of that year, appointed a Commission and this Commission went to Mississippi and heard claimants under

(5).

Article XIV and made a list of the names of successful claimants. In 1842 another Commission was appointed by Congress for the same purpose and this Commission made a list of names of successful claimants who appeared before it. Do you know if any of your ancestors appeared before either of those two Commissions and claimed benefits under Article XIV of the Treaty of Dancing Rabbit Creek? A No sir, I do not.

- Q According to the provisions of the Act of Congress approved August 23, 1842, if it appeared that any claimant who came before the Commission of 1842 had proved his claim, and had his land taken from him by the Government previously, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that he should receive a certificate to that effect. This certificate was called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No sir.
- Q Have you any documentary evidence you want to present now in support of your claim? A No sir.
- Q Do you want to say anything, Mr. Telle?

By Attorney.

A Why, I would like to present the testimony of witnesses in a list here that I will furnish you, of different members of the family. We will furnish that after you get your transcript made, why we will furnish a copy of it. We will furnish the requisite number of copies to cover his case.

By the Commission.

- Q Well, I don't know that I understand you. Are these people, this list that you have given me now, people who are kin of this applicant, and are these people all descended from the same ancestor through whom he claims? A Yes sir.
- Q This list? A Yes sir.
- Q How many are there in it? A I think there is twenty. Something like that.

By the Commission.

- Q The following names persons have made application for identification before this Commission as Mississippi Choctaws and all claim to be descended from Elizabeth Smith as a Common Ancestor. This is also the ancestor through whom this claimant makes his claim for identification. The names are as follows:

William L. Blakeley
Mattie Forsythe et al.,
Melissa Boyd
Thomas B. Ross et al.,

(6).

Arthur A. Ross et al.,
Olive Smith, et al.,
Sarah M. Adams et al.,
Merlin C. Adams et al.
J. Dale Adams.
Tempie McAllester et al.,
Albert Edward Boyd
Arcada Du Bone et al.,
Oral Boyd et al.,
William D. Williamson et al.,
Margie Adams et al.,
Lillian Thomas et al.,
Maria Gibson et al.,
Joseph K. Boyd et al.,
Lawrence L. Boyd et al.,
William F. Walker et al.,
Hera B. Hilley
John Owens.

- Q Do you want to have the testimony of these people who are relatives of yours considered when yours is considered that you may get the benefit of what they have testified to? A Yes sir.
Q Do you speak the Choctaw language? A No sir.
Q Or understand it? A No sir.
Q Have you any documentary evidence you want to present now? A No sir.

By Attorney.

He has none except what has been presented already in the other cases, but we expect to file another copy in his.

By the Commission.

- Q Do you want time? A Yes sir.

Reasonable time will be allowed this applicant in which to present documentary evidence in support of his application. Also proof of the marriage of his father and mother, if he desires.

(7).

Sarah M. Adams, being called as a witness in the above entitled cause, and having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q What is your full name? A Sarah M. Adams.

By Attorney.

- Q Mrs. Adams, I believe you have appeared here as an applicant heretofore? A I have.
- Q For identification as a Mississippi Choctaw? A Yes sir.
- Q The testimony in your case is here, is it? A Yes sir.
- Q How do you know Dr. Adams here, W. J. Adams? A Yes sir.
- Q What is the common Choctaw ancestor that he claims from? A Elizabeth Blakeley-----Smith Blakeley. She was a Smith and married a Blakeley.
- Q Well, is that the same ancestor that you claim your citizenship from? A Yes sir.
- Q What relation is he to you? A He is my nephew-----sister's son.
- Q And a lineal descendent of Elizabeth Smith Blakeley. A Yes sir.

Witness excused.

---+---

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, ruddy complexion, medium dark brown moustaches, dark brown hair. He has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830 and has no knowledge of the Choctaw language.

(8).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 28, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 14 day of December, 1901.

Charles Mitchell Wood

Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

N.C.R. 3854.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

William J. Adams,

Robert Lee, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcady DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Charlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 3054.

COPY.

Waskagee, Indian Territory, July 13, 1903.

William J. Adams,

Robert Lee, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

T. B. Needles.

Commissioner in Charge.

MOR 3854

Muskogee, Indian Territory, December 6, 1906.

William J. Adams,

Robert Lee, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.

No. 3854

For Identification as a Mississippi Choctaw.

Date

Oct 12 1901

Name William J. Adams

Age 30

Blood 1/16

Post Office, Robert Lee, Texas,

Father; Peter L. Adams, l.

Mother: Mary D. " d

Claims through mother

wife, Beulah B. Adams, w.

No claim for wife -

~~Children.~~

claims for self
alone -

Stenographer

Wae Belford

Choctaw MCR 3855

Sallie F. Williams

See MCR 3860, 3856, 3857
3858, 3861, 3862, 3859

MCR 3855

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

R 3853

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In the matter of the application of Sallie F. Williams for the identification of herself and her four minor children, Dora, Velma, Wyatt H., and Omega Williams, as Mississippi Cheetaws. M.C.R. 3855.

In the matter of the application of Addie Watson for the identification of herself and her three minor children, Willie, James C., and Annie G. Watson, as Mississippi Cheetaws. M.C.R. 3856.

In the matter of the application of Ella Johnston for identification as a Mississippi Cheetaw. A M.C.R. 3857.

In the matter of the application of Nera Castleberry for the identification of herself and her two minor children, Garrett Kyle and Charlie C. Kyle, as Mississippi Cheetaws. M.C.R. 3858.

In the matter of the application of Russ Turner for the identification of himself and his two minor children, Sarah C., and John W. Turner, as Mississippi Cheetaws. M.C.R. 3859.

In the matter of the application of Lem A. Harris for identification as a Mississippi Cheetaw. M.C.R. 3860.

In the matter of the application of Jackson R. Bevil for identification as a Mississippi Cheetaw. M.C.R. 3861.

In the matter of the application of Charles McDaniel for identification as a Mississippi Cheetaw. M.C.R. 3862.

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(2).

Applicants represented by L. P. Hudson, Attorney.

Ransom Goins, being called as a witness in the above entitled causes, and having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Goins.
Q Full name? A Yes sir. Ransom Goins. Always a goin.
Q Goins? A Yes sir.
Q G-o-i-n-s ? A Yes sir.
Q Where do you live, Mr. Goins? A I live now-----my family is up at Aaron Springs, 'way up on the Washita.
Q In the Chectaw Nation? A Chickasaw Nation.
Q In the Chickasaw Nation? A Yes sir, I have been living here ever since the war.
Q Are you a fullblood Chectaw? A I am part, yes sir.
Q Are you a member of the Chectaw Nation? A Yes sir. I come from the Chectaw Nation Mississippi when I was about seven or eight years old.
Q How old are you now? A I am going on ninety-three, last Fourth of July.
Q How what year was you born? A Bless your soul, I ain't got a bit of learnin' no more than a horse. I don't know.
Q Do you remember that Treaty of Dancing Rabbit Creek? A No sir.
Q Don't you remember when that was made. No sir, I recollect very well when the big fight was, when old Sam Houston teck Santa Anna.
Q What year was that in? A I don't remember the year.
Q That was in '37 wasn't it? A Can't prove it by me.
Q Well, how old were you at the time of that fight? A I reckon I was twelve or thirteen years old. May be thirteen year.
Q At the time of that fight? A Yes sir, I was pretty nigh grown. I wasn't very large, for I ain't larger than a horse yet.

By Attorney.

- Q Mr. Goins? A Yes sir.
Q Where was you born and raised? A I was raised in Louisiana and Texas together, but I was born in Mississippi, in nine mile of Naches-under-the-Hill, right in the same house where my mother was born, and father was born in Naches-under-the-hill, but he was up on the hill, and I was a boy about seven or eight years old and we moved to Louisiana, and there I found this man Gilorist.
Q You say you were born in Mississippi? A Yes sir.
Q And moved to Louisiana when you were about eight or nine years old? A Yes sir.
Q And from Louisiana where did you move then? A We moved to Texas and been there ever since, and come from there here.
Q What part of Texas? A Well, it just run from the Red River to the Rio Grande, right along on the coast. We was cow-boys.
Q Now Mr. Goins, have you any relatives here to-day? A Yes sir, I

(3).

- have got a sister here. I am just two year older than she is.
- Q Did she live in that country with you during that time? A Yes sir, we was all living right there with this Polly Gilorist. We was neighbors to her.
- Q Now Mr. Goins, did you when you were a young man and when you were living in Texas, knew a girl by the name of Polly Turner? A No sir, I didn't. I heard of John Turner having a girl of that name.
- Q Did you ever know John Turner's wife? A No sir, I never knowed John Turner's wife. I never seed her as I know ef. I know John Turner was Polly Gilorist's son. Joe Turner's son.
- Q You never were acquainted with Pelly Turner? A No sir, with John's wife, I wasn't. You see I lived 'way down yonder close to the bay, and they lived up here close to the Nation.
- Q Well, who was the woman in the Gilorist family that you knew? A I didn't know the Chickory family. She was a Gilorist, she wasn't a Chickory.
- Q Did you know her? A Chickory?
- Q No sir. A I knowed Polly Gilorist and Joe Turner married her, and John Turner's her son.
- Q You called her Gilorist? A Gilorist.
- Q Yes sir. You knew her? A Yes sir, I knowed her before she was anything.
- Q About how old was she when you first knew her? A Me and her is mighty near of one age.
- Q Where did you first know her? A In Louisiana and then from there to Texas.
- Q Do you know where Polly Gilorist come from? A The old lady was a fullblood Choctaw. She come right from the country where my father was raised.
- Q From Mississippi or Louisiana? A Yes sir, from Mississippi to Louisiana, and her father talked enough like the fullblood Choctaw tibl we all children get to talking it too, and the mother of Gilorist she was a half breed, and whenever the old lady and the father got together there was nothing but fullblood.
- Q Then the old lady Gilorist was a full blood? A She was a full blood Indian if ever there was one.
- Q Did she talk the Choctaw language? A All the time. You couldn't get anything out of her. She couldn't hardly talk English.
- Q Then her daughter was? A Polly.
- Q And she was half Choctaw Indian? A She was the old lady's daughter. You can call her a half or three-quarters. Her father was a quarter, and I helped Joe Turner get her away from there. I stole Joe Turner's wife, because Joe Turner was a white man and she was an Indian and old Gilorist didn't want her to marry a white because they wouldn't recognize her there only as Indians. We lived right close to them and the horses would go down in that settlement, well you can say down in the Choctaw Nation.
- Q You say Mr. Goins that you helped Joe----? A I helped Joe Turner steal his wife.
- Q To steal his wife away from her people? A Yes sir, I did.
- Q You knew the family that Joe Turner raised did you? A Yes sir.
- Q The children? A The children. John was the eldest boy.
- Q John Turner was Pelly Turner and Joe Turner's eldest boy? A Yes sir.
- Q Then what was the next child? A Well, I don't know. She had two boys when I knowed her.
- Q She had two boys? A Yes sir.
- Q One's name was John? A John was the eldest.

(4).

- Q And you don't remember the name of the others? A No sir, the other was a little bit of a one when she moved away from us.
- Q Now Mr. Goins, John Turner then was a son of Joe Turner and Polly Turner, his wife, whose maiden name was Polly Gilchrist. That's right, is it? A I don't know nothing about it. These here sitting right here is Joe Turners daughters and I never seen them till right lately.
- Q Yes, I say John Turner, you know. A Yes sir.
- Q And he was a son of Joe Turner and his wife Polly that you helped steal for him? A No, Gilchrist was her name.
- Q I understand she was a Gilchrist before she was married, but she married Joe Turner? A Yes sir.
- Q And they had a son, John Turner? A John Turner and these is John Turner's children.
- Q Then you know that Sallie F. Williams, Addie Watson, Ella Johnston and Nora Castleberry are daughters of John Turner's and that their grandmother was this girl that you helped Joe Turner to steal and marry? A Was their grandmother and their great-grandmother was a fullblood.
- Q You knew her? A I did for they lived right by us, and couldn't talk enough to tell a white man the road if it forked a hundred yards from the house.
- Q Now do you know J. W. Bevil and Rass Turner and Charlie McDaniel? A Yes sir.
- Q Do you know that they are also descended from Joe Turner and his wife? A Joe Turner and his wife.
- Q Now are you acquainted with Mrs. Harris, this lady here? A Never saw her till here lately. That's her mother setting right there by her and she's John Turner's daughter.
- Q As you understand it Mrs. Harris is the daughter of Mrs. Williams who appeared here to-day? A Yes sir. This here John Turner is her grandfather, and Joe Turner was her greatgrandfather.
- Q Her great-grandfather? A Great-grandfather.
- Q Well, Mr. Goins, you know that the ancestor of these people, the great-grandmother, was a fullblood Choctaw Indian? A Fullblood Choctaw, and their father was a half breed. He was a half Cherokee and half white.
- Q Your sister who is to appear here as a witness to-day lived in the same neighborhood and knew these people as you did? A All lived right there together. Them Gilchrist's had a pick at me. They had a dog that tore me all to pieces. I have got a scar right there on my leg now. I will always recollect that and she will too. I will always know that dog.
- Q Now Mr. Goins, did the Gilchrist's go to Louisiana and Texas after you did? A No sir, we all come about the same time. Gilchrist had some cattle and so did father and we crossed our cattle across the Sabine River and the next week Gilchrist crossed right behind us.
- Q Did they always live where you did so that you knew them all the time? A Yes sir.
- Q Knew that they was originally from Mississippi and Choctaw Indians A yes sir, and we just hung together like they do in Arkansas.

By the Commission.

- Q Ninety-three is pretty old, Mr. Goins? A Yes sir, I have been here a long time. You bet I have.

(5).

- Q you were born where? A In Mississippi, in nine mile of Naches-under-the-hill my father was borned up on the Hill and I was about six or seven year old, may be eight when we come away from there. I was a little bit of a chap just big enough to do devilment and that's what I was.
- Q Do you remember the year in which you were born? A No sir, I can't read write nor nothing. Never went to school but three days in my life, and I picked a fight out of the teacher and run him our of the house, and went the next day and got my books and went home.
- Q You went from Naches-on-top-of-the-Hill? A Come to Louisiana.
- Q What place in Louisiana did you go to. A We come to Piney Woods Do you know where Piney Woods is?
- Q How long did you stay in that state? A Well, we stayed there about a year. May be a year and a half, and when it would rain the piney woods was too soft. We couldn't gather our cattle in.
- Q Then you went where? A To the Prairie country.
- Q Texas? A Texas,
- Q Where did you go to in Texas? A Why, we moved down in the first place across the Sabine River. You have heard tell of the run-a-way scrape hain't you.
- Q What scrape was that? A 'Way down here when the robbers come in and drove us our across the Red River and the Sabine River.
- Q Don't seem to recall that. A That's been a long time ago. Joe Turner and his wife crossed the river with us.
- Q Where were you living in Texas at the time of the San Houston fight? A We lived in Jefferson County.
- Q Jefferson County, Texas? A I was twelve or fifteen years old.
- Q Are you sure of that? A Just about that age, from twelve to fifteen.
- Q So that whatever time that fight was you were about twelve years old? A Or may be a little older.
- Q Well, I don't recollect myself exactly when that fight occurred, but if it was in 1837 and you were twelve years old, you would be seventy-six years old now. A Well, I must be older than that by Jeminy. I was nearly a man at the time and I would have went to the war but father wouldn't let me. I was crippled.
- Q You mean the war of '61 do you, the Civil War? A No sir, this wasn't a civil war. I never seed a civil war.
- Q Do you remember the time of the war between the North and South? A Hell! I had grown children then!
- Q How old were you at that time? A I was sixty something.
- Q At the time of the Civil War? A Yes sir.
- Q Sixty, do you know how old? A Sixty-something, I don't know how long it is now. We got a record on the Bible and my sister was telling me the other day how old I was. I asked her, I says, I want you to look on the Bible and see how old I am.
- Q Were you sixty years old or more do you think when that war broke out? A I don't know. I was too old to go to the war. They wouldn't let me go to the war, and set me to hauling cotton for the Government.
- Q Now if you were sixty years old when the war broke out, which is forty-one years ago, you would be a hundred years now? A I don't lack much of it.
- Q You don't really know how old you are, do you, Mr. Goins? A No sir, I don't.

Witness excused.

(6).

Eveline Padier, being called as a witness in the above entitled causes, and having been first duly sworn, upon her oath testifies as follows.

Examination by the Commission.

- Q What is your name? A Eveline Padier.
Q What is that? A Eveline Padier.
Q How do you spell it? A P-a-d-i-e-r , I think. I can't read nor write.

By Attorney.

- Q Mrs.Padier, where do you live? A I live in the Chickasaw Nation.
Q Near what town? A Ardmore.
Q About how far from Ardmore? A About twelve mile.
Q How long have you lived in the Chickasaw Nation, Mrs.Padier? A Over four years.
Q About how old are you, Mrs.Padier? A Well, I am just two years younger than my brother.
Q Your brother? A Ransom.
Q Ransom Goins, who was just on the stand? A Yes.
Q What is your record as to your age? What do you consider? A I have always thought it was-----I have got no learning, and we lost the book. I always thought I was seventy-nine.
Q Seventy-nine now? A Yes.
Q Do you mean seventy-nine or eighty-nine? A Seventy-nine.
Q That is the record that you have kept, and as well as you have it in your mind, you are seventy-nine? A Yes sir, that's what I have always thought it was.
Q Where did you come from to the Chickasaw Nation? A From Texas.
Q What blood have you? What do you claim to be, Mrs.Padier? A Choesaw.
Q What part Choctaw? A On my father's side.
Q And how much Choctaw Indian was your father? A Well, he was mighty near a fullblood. His mother was a fullblood and his father was half. My grandfather was half.
Q Then that would leave him, your father about three-quarters wouldn't it? A Yes sir.
Q And what was your mother, Mrs.Padier? A She was Indian and French.
Q And about what part Choctaw Indians? A My mother?
Q yes? A She was Choctaw.
Q Well, half french and half Choctaw? A Hes sir, Half Choctaw.
Q You have been identified here as a Choctaw Indian? A Yes sir here in Ardmore.
Q Mrs.Padier, where were you born? A In Texas.
Q You were born in Texas, were you? A Yes sir.
Q And lived there all your life until you came to Ardmore? A No sir we went to Louisiana and then come back to Texas and been living there till we come here. Been living all over Texas.
Q Didn't you ever live in Mississippi, Mrs.Padier? A Yes sir.
Q Now is it or is it not a fact that you were born in Mississippi? A No, I wasn't borned in there. I was born in Louisiana.

(7).

- Q You was born in Louisiana? A No, in Texas.
- Q Then your people went back to Mississippi? A Yes sir.
- Q Then you went back to Texas? A Yes sir.
- Q Then you came from Texas to the Indian territory? A Yes sir.
- Q When you lived in Texas was you acquainted with a girl by the name of Polly Gilorist? A Yes sir.
- Q How long did you know her, Mrs. Padier? A Well, we were children then. I couldn't tell you how long. We lived neighbors to her.
- Q Several years? A Oh! yes.
- Q Were you also well acquainted with her mother? A Oh! well was I! Mrs. Gilorist.
- Q Well now what was Polly Gilorist's mother. Was she white or Indian or what? A Well no she weren't. Always called her a Choctaw.
- Q Do you know whether or not she was a fullblood, the mother of Polly? A Yes she looked to me like it and all said she was a fullblood.
- Q Everybody recognized her as a fullblood? A Yes sir.
- Q Do you know whether or not she talked the Choctaw language? A Her and my father always talked the Choctaw language?
- Q Talked Choctaw? A Yes.
- Q Do you speak the Choctaw language Mrs. Padier? A Well, some I can understand. Still I can't talk. I have forgot it all.
- Q Do you know who Polly Gilorist married? A Married Joe Turner.
- Q You knew Joe Turner did you? A Yes sir. Little bit of a man.
- Q Were you also acquainted or did you become acquainted with their children, Polly and Joe's? A Their children.
- Q Yes. A Yes, I didn't know but one of the boys.
- Q What was the oldest son's name? A Let me see, I forget. Why I believe it died didn't it. I forget what it's name was. They had two boys. Here's one of them here.
- Q For the purpose of refreshing your memory I will ask you whether or not that oldest boy's name was John Turner? A Well, that was it.
- Q Do you remember him? A Yes sir, I remember that and this here one, and there was smaller ones.
- Q Are you acquainted Mrs. Padier with Sallie Williams who has appeared here to-day? A No sir, but her old people
- Q This lady right here? A Well, I got acquainted with her not long ago. She lived at Ardmore.
- Q Are you also acquainted with Addie Watson? A I have just got acquainted with her.
- Q Ella Johnston and Nora Castleberry? A Yes sir, I know their people better than they do, I do that.
- Q Are they children of John Turner? Is that the way you understand it? A These here is John Turner's daughters. Grandchildren.
- Q John Turner's grandchildren? A Yes.
- Q This one is? A Yes, and these others is Turner's children.
- Q Now have you known these children from the time they were children A Yes sir.
- Q But they have lived away from you along time so that you---A Yes sir, till I have forgot the children. They have grewed out of my knowledge. I don't know them.
- Q But you do know, Mrs. Padier that Polly Gilorist was a Choctaw Indian? A Yes sir, her mother was just a fullblood.
- Q And what was her father, Mrs. Padier? A Well, he was half Indian and I believe half French. He wasn't the same Tribe. She was Choctaw on one side and Chickasaw on the other I believe or French

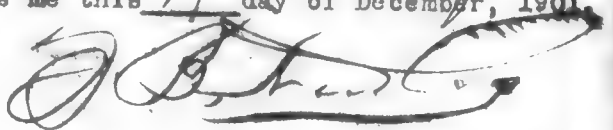
(8).

I don't know which, but the old lady, just let her come over to Dad's and they just commenced talking and nobody couldn't understand what they said.

Witness excused.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled causes on October 28, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said causes on the said day of October, 1901.

Subscribed and sworn to before me this *17* day of December, 1901.

Hal Belford.


Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3855.

In the matter of the application of Sallie F. Williams
for the identification of herself and her four minor children, Dora,
Velma, Wyatt H., and Omega Williams, as Mississippi Cheetaws.

Applicant represented by L. P. Hudson, Attorney.

Sallie F. Williams, being first duly sworn, upon her
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Sallie F. Williams.
Q S-a-l-l-i-e ? A Yes sir.
Q What is your age? A Forty-five.
Q What is your post office address? A Ardmore.
Q How long have you lived at Ardmore? A Eleven years.
Q Where did you live before that? A Texas.
Q Where in Texas? A Gainesville.
Q Where? A Gainesville.
Q How long did you live there? A Well, we lived in Gainesville
about ten years.
Q Where were you born? A In Texas.
Q What place in Texas? A In Southern Texas-----Harris County.
Q Until you went to Ardmore did you always live in Texas? A Yes
sir.
Q What is your father's name? A John Turner.
Q Is he living? A No sir.
Q Is your mother living? A No sir.
Q What was her name? A Polly Ann Turner.

(2).

- Q Through which parent do you claim Choctaw blood? A My grandmother.
- Q Yes, through which parent? A On my father's side.
- Q How much do you claim? A Five-sixteenths, I think's what it is.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw Tribal Authorities or the United States Authorities? A Not that I know of.
- Q Have you the proof of the marriage of your father and mother with you? A No sir.
- Q Do you know when and where they were married? A They was married in Texas, but I don't know exactly the date.
- Q Were they married under a license by a minister? A I don't know sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Wyatt Williams, was his name.
- Q Is he dead? A Yes sir.
- Q What was his name? A Wyatt Williams.
- Q W-y-a-t-t-? A a-t-t.
- Q Was he a whiteman? A Yes sir.
- Q Have you any children you want to make application for under twenty-one years of age and unmarried? A Yes sir.
- Q How many? A Four.
- Q How many? A Four.
- Q Give me the name of the eldest? A Dora.
- Q Dora? A Yes sir.
- Q Dora Williams? A Yes sir.
- Q How old? A Nineteen.
- Q What is the name of the next child? A Velma Williams.
- Q What? A Velma, V-e-l-m-a.
- Q How old? A Well, she's sixteen.
- Q Next? A W. H., well, his name's Wyatt Harris Williams.
- Q What? A Wyatt Harris.
- Q Wyatt H.? A Yes sir.
- Q How old? A Fourteen
- Q Next? A Omega.
- Q What? A Omega Williams.
- Q O-m-e-g-a? A Yes sir, eleven.
- Q Was Wyatt Williams the father of these children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q When and where were you married to your husband, Wyatt Williams? A In Texas.
- Q When and where? A '76.

By Attorney.

- Q What place, Mrs. Williams? A Well, it was near Illineis Bend, in Montague County, Texas.

By the Commission.

- Q By a minister under a license? A Yes sir.
- Q Is your name or the name of your children on any of the Tribal Rolls of the Choctaw Nation Indian Territory. A No sir.

(3).

- Q Have you made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made of any kind for citizenship in the Choctaw Nation for yourself and children, to either the Choctaw Tribal Authorities or the United States Authorities? A Did you say was it the first?
- Q Yes. A Yes sir.
- Q Do you now come before the Commission to identify yourself and Children as Mississippi Choctaws under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that Treaty? A Well, I don't know as I do.
- Q Article XIV was put into the Treaty of 1830 for the protection of the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama in 1830, refusing to go to the Indian Territory with the other Indians between 1833 and 1840. That treaty was made in 1830, September 27th of that year, at Dancing Rabbit Creek, in Mississippi, and it was made to get all of the Indians out of the old Choctaw Nation in Mississippi and Alabama, and get them to go to the new Choctaw Nation in the Indian Territory. Quite a good many Indians refused to go, and because of their refusal, and to protect their interests in remaining in the old Choctaw Nation, Article XIV was put into the Treaty. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

(4).

- Q Do you understand that Article? A Yes sir, I think so.
- Q Do you know whether any of your Choctaw ancestors complied with its provisions? A No sir, I don't.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Polly Gilcrist, is it.
- Q What? A Polly Gilcrist.
- Q Polly Gilcrist, G-i-l-c-r-i-s-t is it? A I think so.
- Q What relation was she to you? A My grandmother.
- Q pather's mother? A yes sir.
- Q Did she live in Mississippi? A I think she was born there.
- Q Was she the head of a family, or did she have Children there in 1830? A Not that I know of.
- Q Where was she born? A I don't know.
- Q When did she die? A Well, I don't know exactly the year.
- Q Do you know where she died? A She died in Texas.
- Q You don't know what year? A No sir, I don't.
- Q Do you know if she lived in Mississippi? A No sir.
- Q Your mother is dead? A Yes sir.
- Q How old would she be if she were living now? A My mother.
- Q Yes. A She'd be sixty some odd.
- Q Where was she born? A In Texas.
- Q In what part of Texas? A In Southern Texas, in Harris County, I think.
- Q Did she ever live in Mississippi? A No sir.
- Q Did your grandmother's parents live in Mississippi? A I think they did. That's what I have been told.
- Q Were they living there in 1830, do you know? A No sir, I do not.
- Q Through which ancestor does your grandmother, Polly Gilcrist take her Choctaw blood? A Well, I don't know that.
- Q Did any of your ancestors, if Choctaw Indians own any improvements on land in Mississippi and Alabama in 1830 or any time previous to that year? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of Dancing rabbit Creek, go to the United States Indian Agent Colonel Ward, and tell him that they wanted to live in Mississippi and take land there and become citizens of the United States? A I don't know sir.
- Q Did any of them go from Mississippi or Alabama to the new Choctaw Nation Indian Territory with the Other Indians between the years 1833 and 1838 or 1840? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land in Mississippi or Alabama or claim any under Article XIV of the Treaty of 1830? A Not that I know of.
- Q Did any of your ancestors own or claim any lands or any improvements of any kind, any benefits of any kind, under any other article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? A I don't know sir.
- Q The United States Indian Agent, Colonel Ward, who lived in Mississippi in 1830, was required by the United States Government to make a list of the names of all Choctaw Indians who went to him within six months after the ratification of that Treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States as required by the Provisions of Article XIV of that treaty. Colonel Ward made a list called Ward's Register. It contains the names of less than one hundred Choctaw heads of families who complied with the provisions of Article XIV. He left off from his list the names of

(5).

hundreds and perhaps thousands of claimants who made applications as required under Article XIV of that Treaty, and whose names should have gone down upon his list. This neglect on the part of the United States Indian Agent to record the names of all applicants-----claimants who came before him and complied with the provisions of Article XIV of the Treaty of Dancing Rabbit Creek caused many Indians who held land in Mississippi to have the land and the improvements upon it taken from them by the Government and sold. This caused many complaints among the Indians and much distress among them, so that in 1837, by Act of Congress approved March 3rd of that year, Congress appointed a Commission and this Commission went to the state of Mississippi and heard a great many claimants under article XIV of that treaty and made lists of the names of successful claimants. In 1842, by Act of Congress approved August 23 of that year, another Commission was appointed for the same purpose and this Commission also made a list of the names of successful claimants under Article XIV of the Treaty of 1830. Do you know if any of your Choctaw ancestors appeared before either of those two Commissions and claimed benefits under Article XIV? A No sir, I don't know.

- Q The Act of Congress approved August 23, 1842, provided that if any claimant came before it and proved his claim under Article XIV, if it also appeared that his land had been previously taken from him, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate or scrip as they called it should be given to him to that effect. Do you know whether any of your ancestors received any such scrip as Choctaw Indians? A No sir.
- Q Have you any documentary evidence that you desire to present now in support of this claim? A No sir.

Here L. P. Hudson, Attorney for the applicant asked leave to file written evidence in support of this application in the near future.

Motion Granted.

- Q How much Choctaw do you talk? A I don't talk any.

This applicant has the appearance and physical characteristics of being descended from White parentage. Blue eyes, medium dark Complexion, brown hair. She does not speak the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of Dancing Rabbit Creek.

(6).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 28, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 17th day of November, 1901.

J. H. Johnson

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

X-----I

In the matter of the application of Sallie F. Williams
et al., for identification as Mississippi Choctaws, consolidating the
applications of

Sallie F. Williams, et al.....	M.C.R. 3855
Lou Attie Harris.....	M.C.R. 3860
Addie Watson, et al.....	M.C.R. 3856
Ella Johnston.....	M.C.R. 3857
Nora Castleberry, et al.....	M.C.R. 3858
Jackson R. Bevil.....	M.C.R. 3861
Charles McDaniel.....	M.C.R. 3862
Ross Turner, et al.....	M.C.R. 3859.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Sallie F. Williams, et al.

Original application of Sallie F. Williams et al., for identification as Mississippi Choctaws.....	1
Testimony of Ransom Goins.....	7
Testimony of Evaline Paddier.....	12
Original application of Lou Attie Harris to the Dawes Commission for identification as a Mississippi Choctaw.....	15
Original application of Addie Watson, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	20

(2).

Original application of Ella Johnston to the Dawes Commission for identification as a Mississippi Choctaw.....	26
Original application of Nora Castleberry et al., to the Dawes Commission for identification as Mississippi Choctaws.....	31
Original application of Jackson R. Bevil to the Dawes Commission for identification as a Mississippi Choctaw.....	36
Original application of Charles McDaniel to the Dawes Commission for identification as a Mississippi Choctaw.....	42
Original application of Rass Turner, et al to the Dawes Commission for identification as Mississippi Choctaws.....	48
Decision of the Commission denying the applications of Sallie F. Williams, et al., Lou Attie Harris, Addie Watson, et al., Ella Johnston, Nora Castleberry, et al., Jackson R. Bevil, Charles McDaniel, Rass Turner, et al for identification as Mississippi Choctaws.....	55

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Case
C. v. W.

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In the matter of the application of Sallie F. Williams
et al., for identification as Mississippi Choctaws, consolidating the
applications of

Sallie F. Williams, et al.....	M.C.R. 3855
Lou Attie Harris.....	M.C.R. 3856
Addie Watson, et al.....	M.C.R. 3856
Ella Johnston.....	M.C.R. 3857
Nora Castleberry, et al.....	M.C.R. 3858
Jackson R. Bevil.....	M.C.R. 3861
Charles McDaniel.....	M.C.R. 3862
Ross Turner, et al.....	M.C.R. 3869.

--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Commis-
sion, by Sallie F. Williams for herself and her four minor children,
Dora, Velma, Wyatt Harris and Omega Williams; by Lou Attie Harris
for herself; by Addie Watson for herself and her three minor child-
ren, Willie, James C. and Annie G. Watson; by Ella Johnston for her-
self; by Nora Castleberry for herself and her two minor children,

(2).

Garrett and Charlie Carl Kyle; by Jackson R. Bevil for himself; by Charles McDaniel for himself; and by Rass Turner for himself and his two minor children, Sarah Caroline and John Willis Turner, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495).

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Polly Turner (nee Gilerist), who is alleged to have been a half-blood Choctaw Indian, and also Joe (or Joseph) Turner, who is alleged to have been of Choctaw descent (degree of blood not given).

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June,

(3).

10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Pelly Turner (nee Gilorist) or the said Joe (or Joseph) Turner, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of the Commission that the evidence herein is insufficient to determine the identity of Sallie P. Williams, Dora Williams, Velma Williams, Wyatt Harris Williams, Omega Williams, Lou Attie Harris, Addie Watson, Willie Watson, James C. Watson, Annie G. Watson, Ella Johnston, Nora Castleberry, Garrett Kyle, Charlie Carl Kyle, Jackson R. Devil, Charles McDaniel, Rass Turner, Sarah Caroline Turner and John Willis Turner, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that

(4).

the applications for their identification as such should be refused,
and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


ACTING CHAIRMAN.

COMMISSIONER.


COMMISSIONER.

Muskogee, Indian Territory,

JUL 23 1902

COPY.

M.C.R. 3855.

Muskogee, Indian Territory, July 23, 1902.

Sallie F. Williams,

Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 23rd, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie F. Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie F. Williams, et al.,	M.C.R. 3855
Lou Attie Harris,	M.C.R. 3860
Addie Watson, et al.,	M.C.R. 3856
Ella Johnston,	M.C.R. 3857
Dora Castleberry, et al.,	M.C.R. 3858
Jackson R. Bevil,	M.C.R. 3861
Charles McDaniel,	M.C.R. 3862
Ross Turner, et al.,	M.C.R. 3859

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie F. Williams, Dora Williams, Velma Williams, Wyatt Harris, Williams, Omega Williams, Lou Attie Harris, Addie Watson, Willie Watson, James C. Watson, Annie G. Watson, Ella Johnston,

-2-

Nora Castleberry, Garrett Kyle, Charlie Carl Kyle, Jackson R. Bevil, Charles McDaniel, Bass Turner, Sarah Caroline Turner, and John Willie Turner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, July 20, 1902.

Mansfield, Murray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

We are hereby advised that on the 23rd. day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie F. Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie F. Williams, et al.,	U. S. 3335
Sam Attie Harris,	U. S. 3336
Adelle Watson, et al.,	U. S. 3337
Miss Johnston,	U. S. 3338
John Castleberry, et al.,	U. S. 3339
Jackson H. Bevil,	U. S. 3340
Charles McDaniel,	U. S. 3341
Wass Turner, et al.,	U. S. 3342

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat., 485) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end to administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Callie E. Williams, Dora Williams, Volma Williams, Wyatt Harris Williams, Omega Williams, Lou Attie Harris, Addie Watson, Willie Watson, James C. Watson, Annie C. Watson, Ella Johnston, Dora Castleberry, Garrett Kyle, Charlie Carl Kyle, Jackson R. Krill, Charles McDaniel, Mass Turner, Sarah Caroline Turner and John Ellis Turner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

A. D. Hodges,

Commissioner in Charge.

M.C.R. 3855.

Muskogee, Indian Territory, July 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Sallie F. Williams, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 23rd, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Sallie F. Williams, et al.,	M.C.R. 3855
Leu Attie Harris,	M.C.R. 3856
Addie Watson, et al.,	M.C.R. 3856
Ella Johnston,	M.C.R. 3857
Nora Castleberry, et al.,	M.C.R. 3858
Jackson R. Bevil,	M.C.R. 3861
Charles McDaniel,	M.C.R. 3862
Ross Turner, et al.,	M.C.R. 3869

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Through the
Commissioner of Indian Affairs.
1 inclosure.

J. B. McDaniel,
Commissioner in Charge.

COPY.

Land
44140-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Aug. 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated July 23, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the consolidated Mississippi Choctaw case of Sallie F. Williams, et al. The parties to this consolidated case apply for identification as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830.

Sallie F. Williams applies for the identification of herself and her four minor children, Dora, Velma, Wyatt Harris and Omega Williams; Lou Attie Harris applies for the identification of herself; Addie Watson applies for the identification of herself and her three minor children, Willie, James C. and Annie G. Watson; Ella Johnston applies for the identification of herself; Nera Castleberry applies for the identification of herself and her two minor children, Garrett and Charlie Carl Kyle; Jackson R. Bevil applies for the identification of himself; as does also Charles McDaniel for himself; and Rase Turner applies for the

identification of himself and his two minor children, Sarah Caroline and John Willis Turner.

July 23, 1902, the Commission held that the applicants were not entitled to identification.

The applicants in this case attempt to trace descent from Polly or Polly Ann Turner, nee Gilerist, who married Joseph Turner, a white man. Polly and Joseph Turner were the parents of John Turner, father of principal applicant, Sallie F. Williams.

The records of this office do not show that anyone by the name of Polly or Polly Ann Turner, or Gilerist, or Joseph Turner, or John Turner, complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that they or either of them applied to the commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights as Choctaw Indians.

It is therefore respectfully recommended that the decision of the Commission be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

G.A.W. (S)

J.W.H.

D.C. 14949-1902.

50927

FHE.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD.4837-1902.

August 25, 1902.

File 896-98.

L. R. S.-

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen;

July 23, 1902, you transmitted the record in the consolidated case (M.C.R.3855), embracing the applications for identification as Mississippi Choctaws of Sallie F. Williams for herself and her four minor children, Dora, Velma, Wyatt Harris and Omega Williams; of Lou Attie Harris for herself; of Addie Watson for herself and her three minor children, Willie, James C. and Annie G. Watson; of Ella Johnston for herself; of Nora Castleberry for herself and her two minor children, Garrett and Charlie Carl Kyle; of Jackson R. Bevil for himself; of Charles McDaniel for himself; and of Rass Turner for himself and his two minor children, Sarah Caroline and John Willis Turner, together with your decision of July 23, 1902, refusing to enroll the applicants.

The applicants in this case attempt to trace descent from Polly or Polly Ann Turner, nee Gilarist, who married Joseph Turner, a white man. Polly and Joseph Turner were the parents of

John Turner, father of the principal applicant, Sallie F. Williams.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation or that the alleged ancestors above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded your decision August 6, 1902, recommending that the same be approved. The Department upon review of the whole case, approved your action, and your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

E M. D.

1 inclosure.

N. C. R. 3855.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Sallie F. Williams,

Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sallie F. Williams, et al., of which decision you were advised by registered mail on July 23, 1902.

Yours truly,

James H. H. H.
Acting Chairman.

✓
M. C. R. 3855.

Copy

Huskogee, Indian Territory, September 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sallie F. Williams, et al., of which decision you were advised by mail on July 23, 1902.

Yours truly,

Acting Chairman.

Gilchrist full
(male)

Polly Gilchrist, dead
married

Joe, or Joseph Turner, dead

John Turner, dead
wife

Polly Ann Turner, dead

Rosanna Turner, dead
married

Jack Bevil, dead.

Mary Turner, L
married

Marmaduke McDaniel

Ross Turner, 45. 1/4
wife

② Mary Ann McCal, (divorced) w L

② Mary Caroline Turner, w L

MCR
3855

Sallie F. Williams 76. 4/5
married
Wyatt Williams, w. dead

MCR

Addie Turner, 41, 1/16
married
William H. Watson, w

MCR
3855

Ella Turner, 37. 1/4
married
George Washington Johnston, w

MCR
3855

Nora Turner, 30, 5/16
married
② Rufus B. Kyle, w. dead
② Mitchell Castleberry, w L

MCR
3855

Jackson R. Bevil, 39. 5/16

MCR
3855

Charles McDaniel, 28. 5/16
wife
Lottie McDaniel, w.

MCR
3855

Sarah Caroline Turner, 14

MCR
3855

John Willis Turner, 3m

MCR
3860

Lou Attie Williams, 24
married
Will A. Harris, w.

MCR
3855

Dora Williams, 19
Velma Williams, 16
Wyatt Harris Williams, 14
Omega Williams, 11

MCR
3855

Willie Watson, 12
James C. Watson, 9
Annie G. Watson, 6

MCR
3855

Garrett Kyle, 12
Charlie Carl Kyle, 3

MOTHER'S TRIBAL ENROLLMENT

MOTHER'S OWNER

REMARKS

DAWES
ROLL No.

YEAR

DISTRICT

No.

*Consolidated case**of Williams*
Sallie K. Turner, et al

REFER TO M. C. R. 3855.

Gilerist full
(male)

Polly Gilerist, dead
married

Joe, or Joseph Turner, dead

John Turner, dead
wife

Polly Ann Turner, dead

Rosanna Turner, dead
married

Jack Bevil, dead.

Mary Turner, L
married

Marmaduke McDaniel

Ross Turner, 45. 1/4
wife
① Mary Ann McCal, (died) w. L
② Mary Caroline Turner, w. L

mcr
3855

Sallie F. Williams 5/16. 45
married
Wyatt Williams, w. dead

mcr
3851

Addie Turner, 41. 1/16
married
William H. Watson, w.

mcr
3857

Ella Turner, 37. 1/4
married
George Washington Johnston, w.

mcr
3858

Nora Turner, 30. 5/16
married
① Rufus B. Kyle, w. dead
② Mitchell Castleberry, w. L

mcr
3869

Lou Attie Williams, 24
married
Will A. Harris, w.

mcr
3853

Dora Williams, 19
Velma Williams, 16
Wyatt Harris Williams, 14
Omega Williams, 11

mcr
3856

Willie Watson, 125
James C. Watson, 9
Annie G. Watson, 6

mcr
3855

Garrett Kyle, 125
Charlie Carl Kyle, 3

mcr
3851

Jackson R. Bevil, 39. 5/16

mcr
3851

Charles McDaniel, 28. 5/16
wife
Lottie McDaniel, w.

mcr
3851

Sarah Caroline Turner, 14

John Willis Turner, 32

3855

1002





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Lou A. Harris,

~~Admore,~~

~~I.T.~~

217
204

No. 3855

For Identification as a Mississippi Choctaw.

Date

307 90 1001

Name Jallie F. Williams

Age 45

Blood $\frac{5}{16}$

Post Office, Admore, I. T.

Father: John Turner, d

Mother: Polly A. " d

Claims through father.
Husband Wyatt Williams, (d) 10.

Children:

Dora Williams, 19

Velma " 16

Wyatt H. " 14

Omega " "

Claims for self &
Children

Stenographer Hal Belford.

Choctaw MCR 3856

Addie Watson

See MCR 3855

MCR 3856

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory? October 28, 1901.

#3856.

In the matter of the application of Addie Watson for the identification of herself and her three minor children, Willie, James C., and Annie G. Watson, as Mississippi Choctaws.

Applicant represented by L. P. Hudson, Attorney.

Addie Watson, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Addie Watson.
Q What is your age? A Forty-one.
Q What is your post office address? A Lonegrove.
Q L-o-n-e Lone? A Yes sir.
Q Is that all one name or two? A Two names, Lone Grove.
Q Texas? A Territory.
Q How long have you lived at Lonegrove? A Two year.
Q Where did you live before you lived there? A Texas.
Q Where were you born? A Texas.
Q Where in Texas? A I don't know hardly. Southern part.
Q What county? A I don't know.
Q How long have you lived-----did you live in Texas before you left it? A Till I was eighteen years old.
Q Then you went where? A Territory.
Q Have you lived in the Territory since? A Part of the time, not all.
Q You live now at Lonegrove you say. You lived there how long? A Two year.
Q Where did you live before you lived in Lonegrove? A Hall County

(2).

Texas.

- Q How long did you live there? A Two year.
- Q When were you in the Territory before that? A I went from the Territory to Hall County, Texas.
- Q How long did you live in the Territory the first time you were here in this Territory if you know? A Somewheres about fifteen year, I guess.
- Q Fifteen years altogether at that time? A Yes sir.
- Q Where did you live this fifteen years? In one place? A No sir.
- Q Choctaw Nation? A Lived in the Chickasaw Nation.
- Q Chickasaw Nation all that time? A All that time.
- Q What is your father's name? A My father?
- Q Yes? A John Turner.
- Q Is he living? A No sir.
- Q What is your mother's name? A Polly Ann Turner.
- Q Polly what? A Polly Ann Turner.
- Q Is she living? A No sir.
- Q Through which parent do you claim Choctaw blood? A My father.
- Q How much Choctaw blood do you claim? A Five-sixteenths I guess.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir, not that I know of.
- Q Have you the proof of the marriage of your father and mother with you? A No sir.
- Q Do you know when and where they were married? A No sir, I don't.
- Q Do you know by whom they were married? A No sir.
- Q Were they married by a minister under a license or Justice of the Peace? A Couldn't tell you.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A William H. Watson.
- Q Is he a white man or an Indian? A White man.
- Q Do you claim for him anything? Make any claim for him? A No sir
- Q Have you any children you want to make application for under twenty-one years of age and unmarried? A Yes sir.
- Q What is the name of the oldest? A Willie.
- Q How many have you? A Three.
- Q W-i-l-l-i-e? A Yes sir.
- Q That's a boy I guess? A No sir, girl with a boy's name.
- Q Watson? A Yes sir.
- Q How old? A Twelve years old.
- Q Next? A James C. Watson.
- Q That's a boy? A Yessir.
- Q How old? A Nine years old.
- Q Next? A Annie G. Watson.
- Q Annie? A Yes sir.
- Q How old? A Six.
- Q That's all is it? A Yes sir.
- Q When and where were you married to your husband, William H. Watson? A In Montague County.
- Q What date? A Twenty-sixth day of March.
- Q Eighteen hundred and what? A Can't tell you hardly. It's been twenty-three year.
- Q Married by a minister under a license? A Yes sir.
- Q Is William H. Watson the father of these three children? A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

(3).

- Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities?
A No sir.
- Q Have you ever made application for enrollment as Choctaw citizens for yourself and children, to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever before this time made application for enrollment as citizens of the Choctaw Nation for yourself and children either to the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Do you now come before the Commission at this time for the purpose of being identified as Mississippi Choctaws for yourself and children? A Yes sir.
- Q Claiming an interest in the Choctaw lands in the Indian Territory under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand the provisions of that article of that treaty? A No sir.
- Q How many times have you heard it read and explained this morning? A Several, but I couldn't explain it.
- Q Don't you begin to get a kind of a faint idea of it? A Yes sir.
- Q Pretty faint though is it? A What?
- Q Pretty faint is it? A Yes sir.
- Q You know what a treaty is don't you? A Yes sir.
- Q Do you know why the treaty of 1830 was made between the Choctaw Indians who lived in Mississippi and Alabama at that time and the United States Government? A I don't know that I do.
- Q Don't you know that it was made for the purpose of getting those Indians to come here to this Choctaw Nation, in the Indian Territory? A Yes sir.
- Q Before the treaty was signed however, it became apparent that a great many Indians wouldn't go, and so in order to protect their interests and their rights article XIV was put into that treaty. Article XIV provided that they might stay there in the old Choctaw Nation in Mississippi and Alabama, and not lose their rights to citizenship in the new Choctaw Nation Indian Territory, provided they did certain things. Understand now, a treaty is an agreement in writing between Nations-----two or more nations-----instead of between individuals. Now a written contract or agreement may be made between two persons, or more, or between persons and corporations or between corporations. It is different from a treaty in this, that it is called a treaty or compact because it is made between nations. They give it that name Treaty. Nations can make contracts in writing just as well as individuals. Now this was a treaty made in 1830 at a place called Dancing Rabbit Creek in Mississippi. It's object-----the only reason why that treaty was made-----was to get an agreement from those Indians who lived there to remove bodily as a nation, as a people, from the old Choctaw Nation in Mississippi and Alabama, and go bodily to the new Choctaw Nation in the Indian Territory, right here where we are now. But of course the Indian is wedded to his country, to his land, to his surroundings, and a great many of them wouldn't go. They were afraid to go. They would rather stay there and live as they were living then, than go to the new Nation and have a national government, or rather a tribal government of their own.

(4).

Some provision had to be made for them if they stayed back there and that was put into this Treaty and is called Article XI V. That is one of the subdivisions of the Treaty. Now that article provided that if they stayed back there in that old Choctaw Nation in Mississippi and Alabama, and if they wanted afterwards to go to the Choctaw Nation, Indian Territory, they could go and become citizens there with the other Indians, and I suppose some claimed may claim their descendants had the same right, provided these original Indians under the provisions of the treaty of 1830 did certain things. Now these things were this. They must, within six months after the treaty was ratified, that is within six months after the 24th day of February, 1831, go to the United States Indian Agent, whose name was Colonel Ward, and tell him that they wanted to stay in Mississippi, that is in the old Choctaw Nation in Mississippi and Alabama that they wanted to take land there, and they wanted to live upon it for five years, all the time intending to become citizens of the United States, and that they did want to become citizens of the United States; or in other words that they wanted to cease to be members of the Choctaw Tribe, and wanted to become citizens of the United States, and if they did those things and afterwards wanted to go to the new Choctaw Nation Indian Territory, then they could become citizens of the new Choctaw Nation and acquire all the rights of citizenship there except that they would not share in the Choctaw annuities which were shared by those original Indians who removed under the other articles of the treaty of 1830. Do you know whether any of your Choctaw ancestors complied with Article XIV of the Treaty of 1830 as I have explained it to you? A No sir, I don't know.

- Q What is the name, or are the names of your Choctaw ancestors under whom you claim your right now to be identified as a Mississippi Choctaw? A Gilorist.
- Q Gilorist? A Yes sir.
- Q What is the full name? (No answer).

By Attorney.

- Q What was her first name? A Polly Gilorist.

By the Commission.

- Q What relation was she to you? A She was my grandmother.
- Q How much Choctaw blood did she have? A Something over half.
- Q Do you know how much exactly? A No sir, I don't.
- Q Did she live in Mississippi or Alabama? A I don't know.
- Q Did any of your Choctaw ancestors ever live in the old Choctaw Nation in Mississippi and Alabama? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land there in 1830? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the new Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1836 or 1840? A I don't know.

(5).

- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him that they wanted to stay there in Mississippi and Alabama in the old Choctaw Nation, they didn't want to go to the new Choctaw Nation, Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors to your knowledge receive any land or claim any land from the Government of the United States under Article XIV of the Treaty of 1830? A No sir.
- Q Did they receive or own any land or any benefits whatever under any other article of the treaty of 1830 than Article XIV or under the supplement of that treaty? A No sir.
- Q According to the Provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the United States Indian Agent who lived in Mississippi in 1830 was required by the United States Government to make a list of the names of all Choctaw Indians who came to him within six months from the ratification of that treaty and declared their intention to remain in Mississippi, take land there and become citizens of the United States. Colonel Ward, for some reason neglected to enroll the names of a greater portion of the Choctaw claimants who did go to him in accordance with the provisions of Article XIV of that Treaty. His list known as Ward's register contains the names of only a few who complied with that article. This neglect on his part caused the land to be taken from a good many Choctaw Indians who lived in Mississippi and Alabama and that land was sold together with the improvements upon it, by the Government. This caused many complaints on the part of the Indians so that in 1837 Congress appointed a Commission by an Act that was approved March 3, of that year. This Commission went to the State of Mississippi and heard a great many claimants under Article XIV and made lists of those whose names were approved by that Commission. In 1842 another Commission was appointed by Act of Congress approved August 23, of that year and this Commission heard claimants under Article XIV and made lists of the names of those whose claims were approved. Did any of your Choctaw ancestors go before either of those Commissions and claim any benefits under Article XIV of that Treaty? A No sir, not that I know of.
- Q The Act of Congress approved August 23, 1842 provided that if any Choctaw claimants went before that Commission of 1842 and proved his claim under-----his right to benefits under Article XIV of the Treaty of Dancing Rabbit Creek, that if it also appeared that his land had been previously taken from him by the Government that he should be entitled to select land either in Mississippi Alabama, Louisiana or Arkansas, and that a certificate, or scrip as they called it, should be given to him to that effect. Did any of your Choctaw ancestors receive any such scrip from the Government of the United States as Choctaw Indians? A No sir not that I know of.
- Q Is there anything more you want to say in support of this claim? A No sir.
- Q Have you any documentary evidence that you want to introduce now?

Here L. P. Hudson, Attorney for the applicant asks leave to file written evidence in support of this claim in the near future.

Motion granted.

(6).

Q Do you speak the Choctaw language or understand it? A No sir.

By Attorney.

- Q Mrs. Hudson, you say that none of your ancestors lived in Mississippi that you know of. Now do you mean that you know personally? A Not that I know of you know.
- Q Well, didn't you understand that Polly Gilchrist originally came from Mississippi? A Yes sir.
- Q Isn't that the history that has been handed down to you in the family? A Yes sir.
- Q You simply meant to say then that you-----A I don't know.
- Q That you personally didn't know any of your ancestors lived in Mississippi? A Yes sir, that's the way I answered.
- Q You also stated that your ancestors didn't comply with any of the provisions of Article XIV of the Treaty of 1830. When that question was asked you you said they didn't. Now is that true or did you simply mean to say that you didn't know whether they did or not? A Why, I aimed to say I didn't know. I thought I said that.
- Q You don't know whether they complied with those requirements or any of them or not do you? A Of course not, because I don't know but very little about them you know.
- Q And what you know of this matter is simply what has been told you? A What has been told me that's all.
- Q You are relying on the evidence of other people who know more of it than you do are you? A Yes sir.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, medium dark complexion, black hair. She does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Mal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the provisions in the above entitled cause on October 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 11th day of December, 1901.

Mal Belford
[Signature]
Notary Public.

COPY.

W.C.R. 3856.

uskogee, Indian Territory, July 23, 1902.

Addie Watson,

Long Grove, Indian Territory.

Dear ladies:

You are hereby advised that on the 23rd, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie F. Williams, et al., embracing the following applications for identification as Choctaw Indians:

Sallie F. Williams, et al.,	W.C.R. 3858
Doc Adie Harris,	W.C.R. 3860
Addie Watson, et al.,	W.C.R. 3856
Willie Johnston,	W.C.R. 3857
Dora Castleberry, et al.,	W.C.R. 3855
Jackson R. Bevil,	W.C.R. 3861
Charles McDaniel,	W.C.R. 3862
Russ Turner, et al.,	W.C.R. 3859

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said Decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie F. Williams, Dora Williams, Vaden Williams, Wyatt Harris Williams, Omega Williams, Lou Adie Harris, Addie Watson, Willie Watson, James C. Watson, Annie C. Watson, Ella Johnston,

Hera Castleberry, Garrett Kyle, Charlie Carl Kyle, Jackson R. Bevil, Charles McDaniel, Bass Turner, Sarah Caroline Turner and John Willis Turner, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commissioner has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

680000

T. E. Hodges.

Commissioner in Charge.

Registered.

M. C. R. 2030.

COPY.

Madame, Indian Territory, September 2, 1902.

Adelle Watson,

Lane Grove, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Saliba Y. Williams, et al., of which decision you were advised by registered mail on July 23, 1902.

Yours truly,

RECORDED

Acting Chairman.

No. _____
For Identification as a Mississippi Choctaw.

Date OCT 28 1901

Name Addie Watson

Age 41

Blood 1/16

Post Office, Lone Grove, I. T.

Father; John Turner, d.

Mother: Polly A. " d.

Claims through father
Husband

William H. Watson, w.

No claim for son.

Children:

Willie (girl) Watson, 12

James C. " 9

Annie G. " 6

Claims for self &
children

Stenographer Hal. Baber

Choctaw MCR 3857

Ella Johnston

See MCR 3855

MCR 3857

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3357.

In the matter of the application of Ella Johnston for
identification as a Mississippian Cheatew.

Applicant represented by L. F. Hudson, Attorney.

Ella Johnston, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Johnston.
Q Full name-----first name? A Ella Johnston.
Q Ella Johnston? A Yes sir.
Q Is there a "t" in it? A Yes sir.
Q How old are you? A Thirty-seven.
Q How old? A Thirty-seven.
Q What is your post office address? A Atoka.
Q What? A Atoka.
Q How do you spell that? A A-t-o-k-a, I. T.
Q Indian Territory? A Yes sir.
Q Where were you born? A At Texas.
Q What place in Texas? A Denton County.
Q How long did you live in Texas before you came to the Territory?
A Why, lived there about----I don't know hardly how long.
Q Ten---fifteen---twenty---twenty-five---thirty years. How long,
as near as you can guess? A About ten or fifteen year.
Q Where have you lived the rest of your time? A Well, I have lived
in Kansas, the Territory.

(2).

- Q How long have you lived in Atlee? A Up here by Atlee?
Q Yes. A Three years. This is the third year.
Q What is your father's name? A John Turner.
Q John? A Yes sir.
Q Is he living? A No sir.
Q What is your mother's name? A Her name is Polly A. Turner.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A Quarter, I reckon.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Territory.
A Not that I know of.
Q When and where were your father and mother married? A I couldn't tell you.
Q Have you proof of their marriage with you? A Sir?
Q Have you proof of their marriage with you? A No, no sir.
Q Have you proof of their marriage? A No sir.
Q Are you married? A Yes sir.
Q What? A Yes sir.
Q What is your husband's name? A His name's George Washington Johnston.
Q Is he an Indian? A No sir.
Q White man? A Yes sir.
Q Do you make any claim for him? A No sir.
Q Have you any children? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Which?
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities.
Q Have you ever made application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Commission to the Five Civilized Tribes, the United States Court in Indian Territory? A No sir.
Q Is this the first application you have ever made for enrollment as a Choctaw citizen? A Yes sir.
Q Do you now claim the right to be identified as a Mississippi Choctaw under Article XIV of the Treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Well, I don't know.

By Attorney.

- Q You heard it explained before didn't you Mrs. Johnson? A Yes sir.
Q You heard it explained before didn't you to the others? A No sir, I didn't hear it. I have heard it and am satisfied I understand it.

By the Commission.

- Q Do you waive the explanation now of it and the reading? A Yes sir.

(3).

Q Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A No sir, I don't know.
- Q What is the name of your ancestor that you apply through? That you claim your blood through? A My grandmother. Her name was Polly. Polly Gilchrist.
- Q What relation to you? A Grandmother.
- Q How much Choctaw blood did she have? A Half.
- Q Did she speak the Choctaw language? A She's been dead sometime. I couldn't tell you whether she did or not.
- Q Did she live in Mississippi or Alabama? A Yes sir.
- Q Did she live there in 1830? A Why, I couldn't tell you.

By Attorney.

- Q You so understand it don't you? A Yes sir, that's the way I understand it.

By the Commission.

- Q Did she own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent within six months after the ratification of the Treaty of 1830, and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of them own any land in Mississippi or claim any under Article XIV of the Treaty of 1830? A I don't know.

(4).

- Q Did they own or claim any land or any benefits under any other article of the Treaty of 1830 than Article XIV, or under the Supplement of that Treaty? A I don't know that.
- Q In accordance with the provisions of Article XIV, of the Treaty of Dancing Rabbit Creek, the United States Indian Agent, Colonel Ward, was required to make a list of the names of all Choctaw Indians who came to him within six months after the ratification of the Treaty of 1830, and told him that they intended to stay in Mississippi and take land there. He made a list called Ward's Register, which contains the names of only a small fractional part of all the Indians who went before him and made that claim as required by Article XIV of the Treaty of Dancing Rabbit Creek. On account of his negligence a great many Indians who held land in Mississippi had it taken from them by the Government. This caused so many complaints among the Indians that in 1837 a Commission was appointed by Congress, which went to the State of Mississippi, and heard claimants under Article XIV of the Treaty of 1830. Congress also appointed another Commission in 1842 for the same purpose. Did any of your Choctaw ancestors go before either of those two Commissions and claim benefits under Article XIV of that Treaty? A I don't know.
- Q The Act of Congress approved August 23, 1842, provided that if a Choctaw Indian proved his claim before the Commission of 1842 if it also appeared that his land had been taken from him by the Government, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and should receive scrip or a certificate to that effect. Did any of your ancestors receive any such certificate? A I don't know.
- Q Have you any documentary evidence you would like to introduce now?

Here L. P Hudson, attorney for the applicant, asks leave to file written evidence in support of this claim in the near future.

Motion Granted.

- Q Do you speak Choctaw? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, except she has very dark complexion, black eyes, dark hair, and may have a strain of Choctaw blood. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

(5).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 24th day of December, 1901.

J. H. Johnson

Notary Public.

COPY.

M.C.R. 3857.

Muskegee, Indian Territory, July 23, 1902.

Ella Johnston,

Atleo, Indian Territory.

Dear Indian:

You are hereby advised that on the 23rd day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie F. Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie F. Williams, et al.,	M.C.R. 3855
Lon Attie Harris,	M.C.R. 3860
Addie Watson, et al.,	M.C.R. 3856
Ella Johnston,	M.C.R. 3857
Bora Castleberry, et al.,	M.C.R. 3858
Jackson R. Bevil,	M.C.R. 3861
Charles McDaniel,	M.C.R. 3862
Russ Turner, et al.,	M.C.R. 3859

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie F. Williams, Bora Williams, Velma Williams, Wyatt Harris Williams, Omega Williams, Lon Attie Harris, Addie Watson, Willie Watson, James O. Watson, Annie O. Watson, Ella Johnston, Bora

Castleberry, Garrett Kyle, Charlie Carl Kyle, Jackson R. Devil,
Charles McDaniel, Bass Turner, Sarah Caroline Turner, and John
Willis Turner, as Choctaw Indians entitled to rights in the
Choctaw lands under the provisions of said article fourteen
of the treaty of 1830, and that the applications for their
identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date
forwarded the record in this case to the Secretary of the Interior
for review and you will be informed in due time of such action as
may be taken by him.

Yours truly,

T. E. Needles.

Commissioner in Charge.

Registered.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40 Jan 1903
REFER IN REPLY TO THE FOLLOWING

M. C. R. 3857.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 5, 1902.

Ella Johnston,

Atlee, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Cheetaws of the several person included in the consolidated case of Sallie F. Williams, et al., of which decision you were advised by registered mail on July 23, 1902.

Yours truly,


Acting Chairman.

257



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
H. H. H. P.
SEP 22 1902

A handwritten signature in dark ink, appearing to be "H. H. H. P.".

ACTING CHAIRMAN





MISSISSIPPI

~~Miss Johnston,~~

~~Atlee, Indiana, Fort Wayne~~



Department of the Interior.

Communication to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, ten cents.

Returned to sender
uncalled for
Moved off
9-19-1902
Atlee

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



MISSISSIPPI

~~Ella Johnston,~~

~~Atlee, Indian Territory~~

*Returned to mail
Uncollected
No moved to
Mar 9-1902
Atlee*

3857



at 10.00

Reg. No. 16, Returned 8-25-1902



~~Elia Johnston,~~

~~Atlee,~~

Indian Territory.

Ref

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TERR.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

820
400

Rec. No. 16. Returned 8-25-1902



*Returned
Aug 1 1902*

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Miss Johnston,~~

~~Atles,~~

Indian Territory.

820

14

No. 3857

For Identification as a Mississippi Choctaw.

Date

OCT 28 1901

Name Ella Johnston

Age 37

Blood $\frac{1}{4}$

Post Office,

Attee, L. T.

Father:

John Turner, d

Mother:

Polly A. " d

Claims through

Husband

father

George W. Johnston, W.

No claim for husband

~~Children.~~

Claims for self
alone.

Stenographer Hae. Belford.

Choctaw MCR 3858

Nora Castleberry

See MCR 3855

MCR 3858

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3858.

In the matter of the application of Nora Castleberry
for the identification of herself and her two minor children, Garrett
Kyle and Charlie C. Kyle, as Mississippi Choctaws.

Applicant represented by L. P. Hudson, Attorney.

Nora Castleberry, being first duly sworn, upon her
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Nora Castleberry.
Q N-o-r-a? A Yes sir.
Q C-a-s-t-l-e-b-e-r-r-y? A Yes sir.
Q What is your age? A Thirty.
Q What is your post office address? A San Angelo, Texas.
Q What? A San Angelo, Texas.
Q How long have you lived there? A Two years.
Q Have you a street number at San Angelo? A No sir.
Q Where were you born? A Kansas.
Q Where in Kansas? A I don't know.
Q You went from Kansas where? A Texas.
Q And have lived in Texas since you left Kansas? A No sir, I
lived in the Territory the biggest part of the time.
Q Where did you live when you were in the Territory? A Chickasaw
Nation.
Q How long did you live altogether in the Chickasaw Nation? A
About twelve years.
Q You went from Kansas to the Chickasaw Nation did you? A No sir,
to Texas.
Q And then to the Chickasaw Nation? A Yes sir.
Q And then back to Texas? A Yes sir.
Q And you have lived in San Angelo how long? A Two year.
Q What is your father's name? A Jehn Turner.
Q No middle initial is there? A No sir.
Q Is he dead? A Yes sir.
Q Is your mother dead? A Yes sir.
Q What was her name? A Polly Ann Turner.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A Five-sixteenth.

(2).

- Q Have you got the evidence or proof of the marriage of your father and mother? A No sir.
- Q Do you know when and where they were married? A No sir.
- Q Whether they were married by a minister under a license or not? A No.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I know of.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Mitchell Castleberry.
- Q M-i-t-t-c-h-e-r-r-y? A Yes sir.
- Q What is his blood? A Sir?
- Q Whiteman? A Yes sir.
- Q Do you make claim for him? Make any claim for him? A No sir.
- Q Have you children you wish to make application for? A Yes sir.
- Q What is the name of the oldest? A Kyle.
- Q What? A I have been married twice and the Children is Kyles.
- Q What is the name of the oldest child? A Garrett.
- Q Full name? A Garrett Kyle.
- Q Two "R's"? A Yes sir.
- Q And two "T's"? A Yes sir.
- Q Now the last name? A Kyle, K-y-l-e .
- Q K-y-l-e? A Yes sir.
- Q How old? A Twelve.
- Q The next? A Charlie Carl Kyle.
- Q Charlie C. isn't it? A Yes sir.
- Q C-h-a-r-l-i-e? A Yes sir.
- Q How old is he? A Three years.
- Q Is that all? A Yes sir.
- Q No children by the other husband? A No sir.
- Q What is the name of the father of these children? A Rufus B. Kyle
- Q Rufus B.? A Yes sir.
- Q He is dead? A Yes sir.
- Q What was his blood, or what was his nationality, white? A White, yes sir.
- Q These children then claim no Choctaw blood through him? A No sir
- Q He was their father? A Yes sir.
- Q And you are their mother? A Yes sir.
- Q You have no children by Mitchell Castleberry? A No sir.
- Q You claim for yourself and these two children by your first husband, Rufus B. Kyle, do you? A Yes sir.
- Q When and where were you married to your first husband, Rufus B. Kyle? A In the Indian Territory.
- Q Where? A Chickasaw Nation.
- Q When? A Thirteen years ago.
- Q Do you remember the date, or the day of the month? A Sixth day of January.
- Q By a minister under a license? A Yes sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Choctaw Tribal Authorities? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children, to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No sir.

(3).

- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation-----A No sir.
- Q Either by the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for yourself and children for citizenship in the Choctaw Nation, either to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws, under the XIV article of the Treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir.
- Q You have heard it read and explained? A Yes sir.
- Q How many times? A Well, I understand it, but I couldn't repeat it I don't think.
- Q You couldn't describe it or the provisions of it? A No sir.
- Q About how many times do you think you have heard it read and explained now? Half a dozen? A Yes sir, I think so.
- Q Well now, do you really understand it? Do you know what it means? A I think I do.
- Q You think you do. Do you want it read and explained again or do you waive the explanation? A Yes sir.
- Q However, I will read it to you. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now as you have heard it read and explained could you say if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Gilerist.
- Q What? A Gilerist.
- Q What? A Gilerist.
- Q Full name? A Pelly Ann Gilerist.

(4).

- Q What relation was Polly Gilerist to you? A My grandmother.
- Q On your father or mother's side? A Fathers.
- Q Father's side-----did she ever live in Mississippi? A Yes, I think so.
- Q How much Choctaw blood did she have? A One-half.
- Q How do you know she had one half? Who told you in the family? A I have heard it talked of.
- Q Your mother told you? A Yes sir.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Did she speak the Choctaw language? A No sir, I think not.
- Q That was your father's mother? A Yes sir.
- Q And how old would he be if he were living now? A My father?
- Q Yes. A Sixty-three.
- Q If living now? A Yes sir.
- Q Where was he born? A I don't know.
- Q How old would your grandmother, Polly Gilerist be, if she were living now? A She'd be somewhere in eighty I think.
- Q Where was she born? (No answer).
- Q Was she born in Mississippi, do you know? A I think so.
- Q Well, do you know for sure that she was? A No sir, I don't know.
- Q Do you know what her father's name was or her mother's name? A No sir.
- Q She claimed her Choctaw blood through which parent, father or mother? A I don't know that.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of Dancing Rabbit Creek, go to the United States Indian Agent and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under Article XIV of the Treaty of 1830? A I don't know.
- Q Did they own or claim any land under any other article of the treaty of 1830 than Article XIV or under the supplement of that treaty? A No sir.
- Q According to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the United States Indian Agent who lived in Mississippi in 1830 was instructed by the Government to make a list of the names of all Choctaw Indians who came to him within six months from the ratification of the Treaty of 1830, and told him that they intended to stay in Mississippi and take land there. This Agent whose name was Colonel Ward, made a list of the names of some Choctaw Indians who came before him. That list of names is contained in Ward's Register, but instead of making a list of the names of all the Indians who came before him within that time, his list contains the names of less than one hundred Indians who were heads of families at that time, whereas, he should have made a list containing the names of thousands of them instead of less than a hundred. This neglect on his part to make a complete list of all of the claimants who complied with the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, caused a great many Indians who had land in Mississippi upon which they had improvements to lose that land. It was taken from them by the Government and sold. This caused a great deal of distress among the Choctaw Indians and a great many complaints were made, and as a result of the complaints Congress in 1837, by an Act of Congress that was approved March 3, of that year, appointed a Commission.

(5).

This Commission went to the State of Mississippi and heard claimants under Article XIV of that treaty and made lists of the names of successful claimants. In 1842 Congress appointed another Commission for a similar purpose, and this Commission went to the State of Mississippi and heard claimants under Article XIV of that treaty, and made a list of the names of successful claimants. Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits under Article XIV of that treaty? A I don't know.

Q The Act of Congress approved August 13, 1842, provided that if any Choctaw citizen, Indian and a citizen of the Choctaw Nation, appeared before that Commission and proved his claim, if it also further appeared that his land had been previously taken from him by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate, or as they called it in that time, scrip, should be issued to him to that effect. Do you know whether any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No sir.

Q Have you any documentary evidence you wish to present now in support of this application you make for yourself and children?

Here L. P. Hudson, Attorney for the applicant, asked leave to file written evidence in support of this claim in the near future.

Motion granted.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Is there anything further you would like to state now in support of your application? A No sir.
Q Do you wish to cross-examine her Mr. Hudson? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage with the exception that she has dark complexion, black eyes and black hair. She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 17th day of December, 1901.

Hal Belford
[Signature]

Commissioner.

COPY.

M.C.R. 3858.

Wuskego, Indian Territory, July 23, 1902.

Nora Castleberry,
San Angelo, Texas.

Dear Madam:

You are hereby advised that on the 23rd, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie W. Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie W. Williams, et al.,	M.C.R. 3855
Lou Attie Harris,	M.C.R. 3856
Addie Watson, et al.,	M.C.R. 3856
Ella Johnston,	M.C.R. 3857
Nora Castleberry, et al.,	M.C.R. 3858
Jackson R. Bevil,	M.C.R. 3861
Charles McDaniel,	M.C.R. 3862
Russ Turner, et al.,	M.C.R. 3859

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie W. Williams, Dora Williams, Volma Williams, Wyatt Harris Williams, Omega Williams, Lou Attie Harris, Addie Watson, Willie Watson, James C. Watson, Annie G. Watson, Ella Johnston, Dora Castleberry, Garrett Kyle, Charlie Carl Kyle, Jackson R. Bevil, Charles McDaniel, Bass Turner, Sarah Caroline Turner and John Willis Turner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

T. B. H. H. H.
Commissioner in Charge.

M. C. N. 3333.

COPY.

McKague, Indian Territory, September 5, 1902.

Mrs. Castleberry,

San Angelo, Texas.

Dear Madam:

You are hereby advised that on the 28th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several person included in the consolidated case of Hallie F. Williams, et al., of which decision you were advised by registered mail on July 23, 1902.

Yours truly,

SIGNED

Wm. H. H. H.

Acting Chairman.

FOR IDENTIFICATION OF A MISSISSIPPI CHOCOLATE

Date OCT 28 1901

Name Nora Castleberry,

Age 30

Blood, 5/16

Post Office, San Angelo, Texas,

Father: John Turner, d

Mother: Polly A. " d

Claims through father
husband Mitchell Castleberry, w.
No claim for husband

Children:

Garriett Kyle, 12

Charlie C. " 3

father (1st husband)

Rufus B. Kyle (d) m.

Claims for self &
children by 1st
husband

Stenographer Noel Beelbore

Choctaw MCR 3859

Rass Turner

See MCR 3855

MCR 3859

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3339.

In the matter of the application of Rass Turner for the identification of himself and his two minor children, Sarah C., and John W. Turner, as Mississippi Choctaws.

Applicant represented by E. P. Hudson, Attorney.

Rass Turner, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Rass Turner.
Q What is that? A Rass Turner.
Q Rass? A R-a-s-s.
Q What is your age, Mr. Turner? A Forty-five years old.
Q What is your post office address? A Angelo, Texas.
Q San Angelo? A Yes sir.
Q Texas? A Yes sir.
Q How long have you lived there? A I have been up there about three months.
Q Where were you born? A I was born in east Texas.
Q Where? A In east Texas.
Q Have you always lived in Texas? A Pretty near always. Not quite.
Q Where have you lived when you lived out of the state of Texas? A Well, I lived a little while in Arkansas, a little while in Kansas, and part of the time in the Territory.
Q When did you live in Arkansas? A I think it was in '89. The Winter of '89.
Q Just in the Winter of '89? A Yes sir.
Q From Arkansas you went where? A We went to Kansas.
Q How long did you live in Kansas? A About a year and a half.
Q Where? A Up there below Wichita, Kansas, on the Arkansas River.
Q Then you went where? A We come back to Texas.
Q When did you live in the Territory? A Well, I lived there off and on. I didn't make it a regular home. Just there once in a while, two years at a time, for about nine years.
Q How long have you lived in Texas now the years last past? A I have lived there twenty years.
Q Not this last time, no. A Yes sir.
Q Last time? A Yes sir.

(2).

- Q Havn't been out of Texas, living any where else, for twenty years?
A No, havn't been out to live. Been out several times, but just sort of staying.
- Q What is your father's name? A Joseph Turner.
- Q Is he living? A No sir.
- Q Is your mother living? A No sir.
- Q What was her name? A Her name was Polly Ann Turner.
- Q Well, Polly A. Turner? A Yes, Polly Turner.
- Q The same parents? A Yes. Well, Gilerist was her maiden name.
- Q You claim your Choctaw blood through which of these two parents?
A From my mother.
- Q How much Choctaw blood do you claim? A I think I am about a quarter. She was about a half-breed.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities? A Not that I know of.
- Q Have you evidence of the marriage of your father and mother with you? A No sir.
- Q Do you know where they were married? A Sir?
- Q Do you know when and where they were married? A Where? No sir, I don't.
- Q When and where? A No sir.
- Q Were they married by a minister under a license, or do you know?
A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Her name is Mary Caroline Turner.
- Q Mary C.? A Yes sir.
- Q Is she an Indian? A No sir.
- Q She is a white woman? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q Have you any children you want to make application for? A Yes sir.
- Q What is the name of the first one? A Sarah Caroline.
- Q Sarah? A Yes sir.
- Q Turner? A Yes sir.
- Q How old is she? A Fourteen.
- Q Is Mary C. Turner the mother of this child? A No sir.
- Q What is the name of the mother of this child? A Her name was Mary Ann.
- Q What was her-----A Her father's name?
- Q Yes. A McCall. Jim McCall.
- Q Is Mary Ann Turner the mother also of your other child-----of the two children? A No sir, I havn't got but two.
- Q Was Mary Ann Turner your first wife? A Yes sir.
- Q Is she dead? A No sir.
- Q Divorced? A Yes sir.
- Q Was she a white woman, or an Indian? A She was white.
- Q Then this child gets no Choctaw blood through your first wife, Mary Ann Turner? A No sir.
- Q Gets it all from you? A Yes sir.
- Q What is the name of your other child? A John Willis.
- Q John what? A John Willis.
- Q John W. Turner? A Yes sir.
- Q How old? A Three months.
- Q Is Mary C. the mother of this child, John W.? A Which?
- Q Is Mary C. the mother of this child? A Yes sir.
- Q That is your second wife's? A Yes sir.
- Q You claim for yourself and these two children, do you? A Yes sir.

(3).

- Q When and where were you married to your first wife, Mary Ann Turner? A Married in Johnson City.
- Q What state? A Texas.
- Q What time of the year and day of the month? A It was in November I think it was the 15th.
- Q What year? A '86.
- Q By a minister under a license? A Yes sir.
- Q When and where were you married to your second wife, Mary C. Turner? A Three years ago the 25th of last September.
- Q Three years ago the 25th of last September? A Yes sir.
- Q Where? A In Angelo.
- Q San Angelo, Texas? A San Angelo, Texas, yes sir.
- Q Have you the proof of your marriage with your first wife and also your second wife with you? A No sir.
- Q Do you think you could produce them if given time? A Yes sir.
- Q Reasonable time will be allowed. Is your name or the name of your child Sarah C. Turner, on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and this first child, Sarah C. Turner, to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make such application to the Dawes Commission, acting or claiming under the Act of Congress of June 10, 1896? A No sir.
- Q That's, five years ago? A No sir.
- Q Is your name or the name of your child, Sarah C. Turner, on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for yourself and child, either to the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made of any kind for yourself and this daughter, Sarah C. Turner, to the Choctaw Tribal Authorities or the United States Authorities? A Yes sir.
- Q Do you now come before this Commission for the purpose of the identification of yourself and this daughter, and also this second child, John W., under Article XIV of the Treaty of 1830? Do you claim under that article of that treaty? A I don't know.
- Q You don't know about that article of that treaty? A Yes sir, I guess that's what I claim it under. I suppose so.
- Q How many times have you heard that explained and read, now? A Well I have heard it here twice or three times to-day.
- Q Haven't you heard it more than that? A Well, I haven't been here all the time you was reading it.
- Q Well now, do you gather anything from what you have heard? A Well I suppose it was a kind of a contract entered into by the United States or something of that kind, or an agreement.
- Q Do you understand what a treaty is? A Well, I don't know that I do.
- Q Do you know what an agreement or contract in writing is, made between persons or individuals? A Yes sir, just sorter.
- Q Did you ever make one? A No sir.
- Q You never made a contract in writing with anybody? A Well, yes, I have.
- Q Put your name down to an agreement to do a certain thing, to work for a man, or him to work for you? A Yes sir, I have done that several times, yes sir.
- Q Well, that is an agreement or contract made between persons. Now

(4).

a contract in writing, made between two or more nations instead of persons, is called a compact or a treaty. It is called a treaty to distinguish it from any other kind of an agreement made between any other kind of contracting parties. Such a treaty as that was made between the Choctaw Tribe of Indians and the United States Government, and was made at Dancing Rabbit Creek in the state of Mississippi, September twenty-seventh, eighteen hundred and thirty. The object of that treaty was the removal of all of the Choctaw Indians in the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation here in the Indian Territory, but before it was signed it became known that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory and in order to protect their interests Article XIV was put into that treaty. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Now do you understand that article of that treaty? A I guess so. Well, I don't know, as I could understand it.
- Q Why can't you understand it? A Yes, I guess I do.
- Q Don't want any guessing about it. A I understand it.
- Q Well, now that's very simple. Just get these ideas. Everybody get the same ideas; they are very easy. The Government wanted to get the Choctaw Nation out of Mississippi and Alabama, and get them to come here to the new Choctaw Nation, Indian Territory?
- A Yes.
- Q They could not be induced to come without their own consent. They had to consent to come, so the Treaty of 1830 was made and they signed, and when they signed it they consented to come. That was the object of the treaty of 1830, was to get them to promise to come. Each one that signed it, they did promise, but some of them wouldn't come, and therefore this article was put into that treaty to protect their interests back there in the old Choctaw Nation. They could afterwards go to the Indian Territory and become citizens if they wanted to, and they did, some of them, between 1833 and 1838, and 1840, but before they could become citizens out here in the Choctaw Nation, Indian Territory, they had to comply, they

(4).

had to show a compliance with Article XIV of the Treaty of 1830. Now a compliance with that article in full by those Indians would be this. That is, within six months after the ratification of that treaty they went to Colonel Ward, and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States. They had to go and tell him that and then they could go out there in Mississippi and take land and live on it, and if they lived on it for five years they would become citizens and get a title deed to that land, and if they did that they could afterwards go to the Choctaw Nation, Indian Territory and have the rights of citizenship there. Now, that's all that is. Do you understand that now? A Yes sir.

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of those provisions of Article XIV of that Treaty? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Gilchrist.

Q Full name? A Polly Gilchrist.

Q What relation was she to you? A She was my mother.

Q Your mother? A Yes sir.

Q Now do you know where she was born? A No sir.

Q When she was born? A She was born in '14-----1814.

Q 1814? A I don't remember the date.

Q Don't you remember where? A No sir, I don't.

Q Did she live in Mississippi? A Yes, she has lived there.

Q Did she live in Mississippi in 1830? A I couldn't tell you.

Q What? A I can't tell you.

Q Through which parent did she get her Choctaw blood? A From her father.

Q What is his name? A Gilchrist.

Q Full name. I know it was Gilchrist. A Well, I don't remember the first name.

Q How much Choctaw blood did he have? A Well, he claimed to be a full blood.

Q How do you know? A Well, that's what my mother told me.

Q Do you know in any other way except what your mother told you? A No sir.

Q How much Choctaw blood did Polly Gilchrist have? A She claimed to be a half blood.

Q And how much did you claim? A I claim to be a quarter. About a quadroon.

Q You are not a quadroon then? A I don't know. I might be.

Q Your other blood is white isn't it? A Yes sir.

Q White and Indian? A Yes sir.

Q Have you any copies of records or anything of that sort that you can look up to show that your mother, Polly Gilchrist, was a half Choctaw Indian? A Nothing that I know of now.

Q Did she speak the Choctaw language? A A little.

Q What kind of a looking woman was she? Describe her. A Low, heavy-set woman, dark complexion, black eyes and black hair.

Q Straight or curly? A Straight.

Q Did she look like an Indian to you or half-breed? A Well, I see some here that looks a good deal like she did.

Q Did you ever hear her say that she was a half blood Choctaw Indian? A Yes sir.

Q Did you ever hear her say anything about her father and mother? A No, mighty little.

Q What did she say? Ever say anything about their being Choctaw? A Well, I couldn't tell you exactly what she said, but I have

(5).

heard her talk about her father being.

Q Do you know how long she lived in Mississippi altogether in her life? A No sir, I can't tell you.

Q How old would she be if living now? A I couldn't tell you.

Q Do you know whether she was born in Mississippi? A No sir.

Q Do you know where? A No sir.

Q Do you know whether she was living in Mississippi in 1830 and had children there at that time? A No sir, I don't.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830, or any time before that year?

A Not that I know of.

Q Did any of your Choctaw ancestors go to the United States Indian Agent within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi and take land there? A Not that I know of.

Q Did any of them go from Mississippi or Alabama with the other Choctaw Indians between 1833 and 1838? A Not that I know of.

Q Did any of your Choctaw ancestors own any land or claim any land under Article XIV of the Treaty of 1830 as Choctaw Indians? A I don't know.

Q Did they own or claim any land or any improvements whatever under any other Article of the Treaty of 1830 or under the supplement of that treaty? A Not that I know of.

Q Did you ever hear of the United States Indian Agent, Colonel Ward that lived in Mississippi in 1830? A Hear of him?

Q Yes. A Not that I remember of.

Q Did you ever hear about that agent? A Not that I remember of.

Q There was such an agent who lived there in Mississippi in 1830. He was instructed by the United States Government, after that treaty was made-----he was instructed by the United States Government to make a list of the names of all Choctaw Indians who came to him within six months after the ratification of the Treaty of 1830, that is within six months after February 24, 1831, and declared their intention to become citizens of the United States, to take land in Mississippi, and to live upon it and stay there in Mississippi, and he did make a list known as Ward's Register of the names of some of the applicants who came before him, but is was a very small list and contained the names of only a few of the Choctaw Indians who came before him in compliance with the provisions of Article XIV of the Treaty of 1830. There were many, -----a great many Indians who made proper statements to him as required by Article XIV whose names were not recorded by him at all. This caused the land to be taken from a great many Choctaw Indians who lived in Mississippi and Alabama, and the improvements upon that land, and lead to so many complaints on the part of the Indians in Mississippi and Alabama that congress appointed a Commission in 1837. This Commission went to Mississippi and heard claimants under Article XIV. In 1842 Congress appointed another Commission and they went to Mississippi and heard claimants under Article XIV. Do you know if any of your Choctaw ancestors went before either of those two Commissions, that of 1837 or the Commission of 1842 and claimed benefits under Article XIV of that treaty? A No sir, I do not.

Q You don't know about that? A No sir.

Q The Act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim before the Commission of 1842, if it also appeared further that that person had lost his land, that it had been taken from him by the United States Government and

(G).

sold, that he should be entitled to select land either in Mississippi, Louisiana, Alabama or Arkansas, to be taken from vacant Government land, and that a certificate, or as they called it in these days, scrip, should be given to him to that effect. Do you know if any of your Choctaw ancestors received any such scrip from the United States Government as Choctaw Indians? A No sir, I do not.

Q Do you know Sallie F. Williams? A Yes sir.

Q What relation to you? A She's a niece.

Q Addie Watson? A Yes sir.

Q What relation? A She's a niece.

Q Ella Johnston? A Yes sir.

Q They have all appeared before the Commission on the above date, October 28, claiming through the same common ancestor, Polly Gilchrist. Do you want to have their testimony and the records in their cases referred to when yours is examined that you may get the benefit of what they have testified to? A Yes sir.

Q Do you understand or speak the Choctaw language? A No sir, I can't understand any of it to amount to anything. None at all.

Q Have you any documentary evidence you want to present now in support of this application.

Here L. P. Hudson, Attorney for the applicant, asked leave to file written evidence in support of this claim in the near future, including marriage certificates.

Motion granted.

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, light brown hair. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 14th day of December, 1901

Hal Belford

[Signature]

Commissioner.

COP

M.C.R. 3859.

Muskogee, Indian Territory, July 23, 1902.

Ross Turner,

San Angelo, Texas.

Dear Sir:

You are hereby advised that on the 23rd, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie F. Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie F. Williams, et al.,	M.C.R. 3855
Lou Attie Harris,	M.C.R. 3860
Addie Watson, et al.,	M.C.R. 3856
Ella Johnston,	M.C.R. 3857
Nora Castleberry, et al.,	M.C.R. 3858
Jackson R. Bevil,	M.C.R. 3861
Charles McDaniel,	M.C.R. 3862
Ross Turner, et al.,	M.C.R. 3859

These applications were made under the provision of the act of Congress of June 28, 1890 (30 Stats., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie P. Williams, Dora Williams, Velma Williams, Wyatt Harris Williams, Omega Williams, Lou Attie Harris, Addie Watson, Willie Watson, James C. Watson, Annie G. Watson, Ella Johnston, Nora Castleberry, Garrett Kyle, Charlie Carl Kyle, Jackson R. Bevil, Charles McDaniel, Russ Turner, Sarah Caroline Turner and John Willis Turner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

W. E. McDaniel

W. E. McDaniel

Commissioner in Charge.

Registered.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYRESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILE IN RELY TO THE FOLLOWING

M. C. R. 3859.

Muskogee, Indian Territory, September 5, 1902.

Base Turner,

San Angelo, Texas.

Dear Sir:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sallie F. Williams, et al., of which decision you were advised by registered mail on July 23, 1902.

Yours truly,

Acting Chairman.

No.

3859

For Identification as a Mississippi Choctaw.

Date

OCT 28 1901

Name *Rass Turner*

Age *45-*

Blood *1/4*

Post Office, *San Angelo, Texas.*

Father: *Joseph Turner, d*

Mother: *Polly " d*

Claims through

Mother

wife Mary C. " — w.

No claim for wife —

Children:

Sarah C. Turner, 14

Mary Ann Turner, is mother
of Sarah C. Turner. DIVORCED

w.

John W. Turner, — 3 m.

mother is Mary C. Turner.

Claims for self &

2 chas ann —

Monographer

Nat Bedford

3859



1902



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Permitted for private use, \$300.



Rass Turner,

San Angelo, Texas.

I.O.

Choctaw MCR 3860

Lou A. Harris

See MCR 3855

MCR 3860

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3860.

In the matter of the application of Lou A. Harris for
identification as a Mississippi Choctaw.

Applicant represented by L. P. Hudson, Attorney.

Lou A. Harris, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A You Attie Harris.
Q Lou is it-----the first name? A Yes sir.
Q And the middle initial now? A "A". Attie, A-t-t-i-e, is the
name.
Q And the other name? A Harris.
Q What is your age? A Twenty-four.
Q What is your post office address? A Ardmore.
Q How long have you lived at Ardmore? A Eleven years.
Q Where did you live before you lived there? A Texas.
Q Where were you born? A Texas-----Montague County.
Q Have you lived there always until you went to Ardmore? A Until,
we lived in the-----well, when I was born my mother lived there
and then we moved to the Territory and lived some time and then
back to Texas.
Q When you came to the Territory the first time where did you live?
A In the Chickasaw Nation.
Q And you lived there how long? A I don't know. I have been in
the Territory so much I can't claim anywhere else for my home.
Q You have been in the Territory though how many years last past?
Eleven? A Yes sir, all but two years we lived in Colorado.
Q You never lived anywhere then except in the Territory and Texas?
A Well, in Colorado. We lived in Colorado two years.
Q What two years? A Well, it's three years ago now.
Q What is your father's name? A Wyatt H. Williams.
Q What? A Wyatt H. Williams.
Q Is he living? A No sir.
Q What is your mother's name? A S. F. Williams.
Q S. what? A Sallie F. Williams.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Mother.

(2).

- Q How much Choctaw blood do you claim? A Five-thirty-seconds.
Q Five what? A Thirty-seconds.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not that I know of.
Q Have you the proof of the marriage of your father and mother here? A No sir.
Q Can you tell when and where they were married? A No sir.
Q Whether they were married by a minister under a license? A No sir, I don't know anything about that.
Q Are you married? A Yes sir.
Q What is your husband's name? A Will A. Harris.
Q Do you make any claim for him? A No sir.
Q Is he an Indian? A No sir.
Q He is a white man then? A Yes sir.
Q Have you any children you want to make application for? A No sir.
Q Do you claim for yourself alone? A That's all.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw Tribal Authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you ever make application to the Dawes Commission to be enrolled as a member of the Choctaw Tribe of Indians under the Act of Congress of June 10, 1896? A No sir.
Q Have you ever been enrolled as a member of the Choctaw Tribe of by either the Choctaw Tribal Authorities or the United States Authorities? A No sir.
Q Is this the first application that you have ever made of any description to any authority whatever for citizenship or membership in the Choctaw Nation? A Yes sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw, claiming an interest in the Choctaw lands in the Indian Territory under Article XIV of the Treaty of Dangingine Rabbit Creek? A Yes sir.
Q Do you understand that article of that treaty? A Yes, I suppose I do. If I don't there's no use trying to explain it.
Q You have heard it explained and read a number of times, have you? A Yes sir, I have.
Q About how many times to-day? A About fifteen.
Q Don't you want to have it read once more and explained? A I think I know enough about it.
Q You waive the explanation then do you? A Yes sir.
Q Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter

(3).

section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now as you have heard it read and explained do you understand or do you know rather, whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?
A I do not know.
- Q What is the name of your ancestor or ancestors-----the names of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A Polly Gilchrist.
- Q What relation was she to you? A My great-grandmother.
- Q Where did she live, if you know? Where was she born? Where did she live during her lifetime? A I do not know.
- Q Did she ever live in Mississippi? A I don't know.
- Q Didn't you ever hear whether she did or not? A Well, I have heard that she lived in Mississippi. I have been told that she did.
- Q Where did you hear that? A Where did I hear it?
- Q Did you hear so in the family? A Yes sir.
- Q From what members of the family? A Well, from my mother.
- Q Do you know whether she lived in the state of Mississippi in 1830? A No sir, I do not.
- Q You claim through your mother? A Yes sir.
- Q Your mother is now living-----how old is she? A Forty-five.
- Q Where was she born? A Texas.
- Q What part of Texas? A I don't know.
- Q She claims through her mother? A No, father. Well, both. They were cousins and the same blood. She claims through her father.
- Q Well, Polly Gilchrist is her mother, isn't she? A Her grandmother. She was my great-grandmother.
- Q What is your mother's name? A Sallie F. Williams.
- Q Sarah F. Williams-----what was her maiden name? A Sallie F. Turner.
- Q And she claimed through which parent? A Her father, John Turner.
- Q What relation was John Turner to Polly Gilchrist? A He was her son.
- Q Her son? A Yes sir.
- Q What was Polly Gilchrist's husband's name? A Joe Turner.
- Q Well, Polly Gilchrist then married whom? A Joe Turner.
- Q Do you know how much Choctaw blood Polly Gilchrist had? A I don't know. I have heard them say she claimed one-half or more.
- Q You have heard that in the family? A Yes sir.
- Q Do you know where she was born or when she was born? A No sir.
- Q When and where she died? A No sir.
- Q She married Joe Turner-----do you know whether he lived in Mississippi? A No sir.
- Q Did he have any Choctaw blood? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in

(4).

Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors go to the United States Indian Agent within six months after the ratification of that Treaty of 1830, and tell him that they wanted to stay in Mississippi and take land there? A I don't know.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama as Choctaw Indians from the Government under Article XIV of the Treaty of 1830? A I do not know.

Q Did they claim any land or receive any benefits under any other article of the Treaty of 1830 than Article XIV or under the supplement of that treaty? A I don't know that either.

Q The United States Indian Agent, Colonel Ward, who lived in Mississippi in 1830, was instructed by the Government of the United States to make a list of the names of all Choctaw Indians who came before him within six months from February 24, 1831-----that is the time when the treaty was ratified----- and declared their intention of becoming citizens of the United States, stating that they desired to stay in Mississippi and take land there, and not go to the new Choctaw Nation, Indian Territory. This Indian Agent made out a list of register, called Ward's Register, but it contained the names of only a few of the Choctaw Indians who complied with the provisions of Article XIV of that treaty, making no record whatever of the many Indians who did comply with the provisions of Article XIV. This omission on the part of the United States Indian Agent to make a complete list of the names of all who made applications before him, caused a great many Indians to lose their land in Mississippi and Alabama. The land was taken with the improvements upon it and sold by the Government. This caused a great many complaints among the Indians so that in 1837, by an Act of Congress that was approved March 3, of that year, a Commission was appointed by Congress and this Commission went to the State of Mississippi and heard claimants under Article XIV of the Treaty of Dancing Rabbit Creek. In 1842 Congress appointed another Commission and that Commission also went to the state of Mississippi and heard claimants under Article XIV and both of these Commissions made lists of the names of successful claimants under that article of that treaty. Do you know if any of your Choctaw ancestors, Polly Gilchrist, or any of your Choctaw ancestors went before either of those two Commissions and claimed benefits under Article XIV of the Treaty of 1830? A No sir.

Q The Act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim before the Commission of 1842, it also appearing that his land had been taken from him previously by the Government, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate should be given to him to that effect. These certificates that were issued were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government of the United States as Choctaw Indians? A I don't know.

Q Have you any documentary evidence that you want to present now?

Here L. P. Hudson, Attorney for the applicant asked leave to file written evidence in support of this claim in the near future.

Motion granted.

(5).

- Q Do you speak Choctaw? A No sir.
- Q Sallie F. Williams, Addie Watson, Ella Johnston, Nora Castleberry, Bass Turner: these are all relatives of yours are they not? A Yes sir.
- Q And they all claim through the same common ancestor, Polly Gilchrist, through whom you claim? A Yes sir.
- Q Do you want to have their testimony considered when yours is examined in order that you may get the benefit of what they have testified to? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry of white and Indian blood. The Indian characteristics are quite apparent in her physical appearance, in the color, cast of countenance, black eyes and black hair. She does not speak the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 17th day of December, 1901.

Hal Belford


Commissioner.

COPY.

M.C.R. 3860.

Muskogee, Indian Territory, July 23, 1902.

Lou A. Harris,

Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 23rd, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie F. Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie F. Williams, et al.,	M.C.R. 3855
Lou Attie Harris,	M.C.R. 3860
Addie Watson, et al.,	M.C.R. 3856
Ella Johnston,	M.C.R. 3857
Dora Castleberry, et al.,	M.C.R. 3858
Jackson R. Bevil,	M.C.R. 3861
Charles McDaniel,	M.C.R. 3862
Ross Turner, et al.,	M.C.R. 3859

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie F. Williams, Dora Williams, Velma Williams, Wyatt Harris Williams, Omega Williams, Lou Attie Harris, Addie Watson, Willie Watson, James C. Watson, Annie C. Watson, Ella Johnston, Dora

-2-

Castleberry, Garrett Kyle, Charlie Carl Kyle, Jackson R. Davil, Charles McDaniel, Bass Turner, Sarah Caroline Turner and John Willis Turner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(S)

T. B. Neelies.

Registered.

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3860.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 5, 1902.

Lou A. Harris,

Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sallie F. Williams, et al., of which decision you were advised by registered mail on July 23, 1902.

Yours truly,

Acting Chairman.

3860

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.



[Signature]
ACTING



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Lo: A. Harris,

~~Ardmore, Indian Territory.~~

No. 3860

For Identification as a Mississippi Choctaw.

Date

OCT 28 1901

Name Lou A. Harris.

Age 24 — Blood $\frac{5}{32}$

Post Office, Ardmore, D.T.

Father; Wyatt H. Williams, d.

Mother: Sallie F. " d.

Claims through Mother
~~Husband~~

Will A. Harris, w.

No claim for husband

~~Children:~~

Claims for step
Morrison

Stenographer Hal B. Brown

Choctaw MCR 3861

Jackson R. Bevil

See MCR 3855

MCR 3861

Department of the Interior.
Commission to the Five Civilized Tribes
Atoka, Indian Territory, October 28, 1901.

#3861.

In the matter of the application of Jackson R. Bevil
for identification as a Mississippi Choctaw.

Applicant represented by L. P. Hudson, Attorney.

Jackson R. Bevil, being first duly sworn, upon his
oath testifies as follows.

Examination by the Commission.

- Q What is your name? A Jackson R. Bevil.
Q Jackson R.? A Yes.
Q Bevil? A Yes sir.
Q What is your age? A Thirty-nine.
Q What is your post office address? A Lonergrove,
Q Texas? A Indian Territory.
Q How long have you lived there? (No answer).
Q How long have you lived at Lonergrove? A Two year.
Q Where did you live before that? A I lived here in the Territory
till three years ago, I went out in western Texas.
Q Three years ago you went to western Texas? A Yes sir.
Q And then you came back? A Yes sir.
Q How long have you lived at Lonergrove? A Two years.
Q Three years ago you left the Territory for Texas? A Yes sir.
Q Then where did you live in the Territory that time? A I lived
at that time----.
Q Before you went to Texas? A I lived at Ardmore part of the time.
Q How long in Ardmore? A From January to July.
Q About six months? A Yes sir.
Q Where were you born? A Where was I born?
Q Yes. A Texas.
Q What place in Texas? A Montague County.
Q And how long did you live in Texas before you left the State? A I
lived there till I was just about grown.
Q Well, how old would you be when you were grown? A When I was
about twenty-one years old.
Q Then you went where? A Come to the Territory.
Q And have you lived off and on in the Territory since until you
went to Texas? A Yes sir.
Q What part of the Territory? A In an mud Creek, they call it.

(2).

- Q What Nation? A Chickasaw Nation.
- Q What is your father's name? A His name was Jack Bevil.
- Q Jack Bevil? A Yes sir.
- Q Is he living? A No sir.
- Q What is your mother's name? A Her name was Reanna.
- Q What? A Reanna Turner, is who she was.
- Q Reanna? A Yes sir.
- Q How do you spell that? R-e-a-n-n-a ? A Yes sir.
- Q Turner, did you say? A Yes sir.
- Q Then did she marry again? A No sir, that was her name before she was married?
- Q No, I want her married name. Bevil, isn't it? A Yes sir.
- Q Is she living now? A No sir.
- Q Through which parent do you claim Choctaw blood? A Mother.
- Q How much Choctaw blood do you claim? A Five-fifteenths
- Q Five what? A Five-sixteenths. I missed it a little.
- Q You claim through your mother five-sixteenths. Now how do you make that five-sixteenths, do you know? A No sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A Not as I know of.
- Q Can you tell when and where your father and mother were married? A No sir.
- Q Have you proof of their marriage with you? A No sir.
- Q Think you can get it? A I don't know about that.
- Q Well, you will be allowed time in which to make an effort to. Are you married? A No sir.
- Q You are single are you? Do you make application for yourself alone? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw Tribal Authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever made application to the Commission to the Five Civilized Tribes for membership in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship or membership in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming an interest in the lands here in the Choctaw Nation under Article XIV of the treaty of 1830? A Yes sir.
- Q Have you ever prior to this time made application for citizenship in the Choctaw Nation either to the Choctaw Tribal Authorities or the United States Authorities in the Territory? A No sir.
- Q Do you understand that article of that Treaty? A Yes, I ought to. I have heard it read enough.
- Q How many times have you heard it read here and explained? A I couldn't tell exactly how many times. It's been several times though.
- Q Well now, don't you want to hear it read and explained again? A No sir, I understand it as well as I could.
- Q Article XIV of the Treaty of 1830 reads as follows:

(3).

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now you have heard it read? A Yes sir.
- Q Do you think you understand it well enough now to claim under it? A Yes sir.
- Q Do you think you understand it well enough to say whether or not any of your ancestors complied or attempted to comply with any of the provisions of that treaty? Do you know whether they did or not? A No sir, I do not.
- Q You don't know? A No sir.
- Q What is the name of your Choctaw ancestor who lived in Mississippi if you know, through whom you claim your right to be identified as a Mississippi Choctaw? A Polly Turner. Polly Gilchrist it was.
- Q Polly Gilchrist. That was her maiden name was it? A Yes sir.
- Q She married----? A Joe Turner.
- Q Her married name was Polly Turner? A Yes sir.
- Q How much Choctaw blood did she have? A She claimed to be a half-breed.
- Q Did she have an Indian name did you ever hear? A I don't know whether she did or not.
- Q Did she speak the Choctaw language? A Yes sir, a little.
- Q How do you know? A I have heard her speak it.
- Q What kin was she to you? A She was my grandmother.
- Q You have seen her then and talked with her? A Yes sir.
- Q How long has she been dead? A I don't know how long she's been dead.
- Q When and where was she born? A I couldn't tell you.
- Q How did she look? A Low heavy-set, dark complected.
- Q Very dark? A Yes sir.
- Q Blue eyes? A Dark Eyes.
- Q What kind, black? A Yes sir.
- Q What was her hair? A She had straight black hair.

(4).

- Q You have seen Choctaw Indians, I presume? A Yes sir.
- Q Well, how does she compare with Choctaw Indians in appearance? A Well, she had the appearance of a Choctaw.
- Q Have you heard her speak the Choctaw language? A Yes sir.
- Q Do you understand Choctaw yourself, or speak it? A Tolerably well, I do.
- Q Can you carry on a conversation with a Choctaw? A Not much.
- Q Where did you learn it? A Here in the Choctaw Nation.
- Q Well now then, as you understand it a little, are you sure that she spoke Choctaw when she was talking? A Yes sir, she spoke words that they speak.
- Q You claim through your mother do you? A Yes sir.
- Q How old would your mother be if she were living now? A I do not know.
- Q Where was she born? A I don't know.
- Q When and where did she die, do you know? A She died in Arkansas.
- Q Do you know when? A No sir.
- Q She claimed through which parent, father or mother? A Mother.
- Q Her mother's name was what? A Polly Turner.
- Q Maiden name Polly Gilorist? A Yes sir.
- Q Through whom did she claim-----father or mother, Polly Gilorist? A Her mother.
- Q What was her name? A I don't know what her name was.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama except Polly Gilorist? A I don't know.
- Q Do you know whether she lived there in 1830 and had a family there at that time? A No sir, I don't know.
- Q You never heard? A No sir.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him that they wanted to stay in Mississippi and take land there and become a citizen of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama as Choctaw Indians under Article XIV of the Treaty of Dancing Rabbit Creek? A I don't know.
- Q Did any of your Choctaw ancestors claim any land or any benefits whatever under any other article of the Treaty of 1830 than article XIV or under the supplement of that treaty? A I don't know.
- Q According to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek the Government required the United States Indian Agent who lived in Mississippi in 1830 to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the Treaty of Dancing Rabbit Creek, and told him that they wanted to stay in Mississippi and take land there. This United States Indian Agent failed to do as required by the Government, because his list known as Ward's Register, contains the names of less than eighty Indians who were the heads of families in Mississippi at that time, leaving off from his list the names of thousands of applicants who complied with the provisions of Article XIV of the Treaty of Dancing Rabbit Creek. On account of his negligence a great many Choctaw Indians who lived in Mississippi and Alabama at that time, and who had land upon which they

(5).

had improvements, had both land and improvements taken from them by the Government and sold. This caused a great deal of distress among the Indians and a great many complaints, so that finally on account of the complaints that were made Congress appointed a Commission, by an Act approved March 3, 1837, and this Commission went to Mississippi and heard claimants under Article XIV and made lists of the names of successful claimants, who proved their claims, before it. In 1842 another Commission was appointed by Congress by an Act approved August 23, of that year, and this Commission also heard all claimants under Article XIV who came before it and made lists of the names of successful claimants under that article. Do you know if any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and made claim to rights and benefits under Article XIV of the Treaty of Dancing Rabbit Creek? A I don't know.

- Q Did you or any of your Choctaw ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.
- Q The Act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim before this Commission of 1842 and if it also appeared that he had previously had his land taken from him by the Government, that he should be entitled to select land either in Arkansas, Alabama, Louisiana or Mississippi, and that he should receive a certificate to that effect. This land was to be taken from vacant Government land and these certificates which were issued were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government of the United States as Choctaw Indians? A I don't know.
- Q Have you any documentary evidence with you that you would like to present to the Commission in support of this application?

Here L. P. Hudson, Attorney for the applicant asked leave to file written evidence in support of this claim within the near future.

Motion Granted.

- Q Do you speak the Choctaw language well enough to carry on a conversation with a Choctaw? A No sir.
- Q You understand a little of it? Now and then a few words? A Yes sir.
- Q Is there anything more you would like to say in support of this application? A No, no sir.
- Q Nothing more you would like to say? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. He has medium dark complexion, dark brown moustaches, brown hair. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of Dancing Rabbit Creek.

(6).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 28, 1901, and that the above and foregoing are a true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 27th day of December, 1901.



Commissioner.

COPY

M.C.R. 3861 .

Muskogee, Indian Territory, July 23, 1902.

Jackson, R. Bevil,

Lone Grove, Indian Territory.

Dear Sir:

You are hereby advised that on the 23rd, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie F. Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie F. Williams, et al.,	M.C.R. 3855
Lou Attie Harris,	M.C.R. 3860
Addie Watson, et al.,	M.C.R. 3856
Ella Johnston,	M.C.R. 3857
Nora Castleberry, et al.,	M.C.R. 3858
Jackson R. Bevil,	M.C.R. 3861
Charles McDaniel,	M.C.R. 3862
Ross Turner, et al.,	M.C.R. 3859

These applications were made under the provision of the act of Congress of June 25, 1895 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sallie F. Williams, Dora Williams, Velma Williams, Wyatt Harris Williams, Omega Williams, Lou Attie Harris, Addie Watson, Willie Watson, James C. Watson, Annie C. Watson, Ella Johnston, Dora Castleberry, Garrett Fyle, Charlie Carl Fyle, Jackson R. Bevil, Charles McDaniel, Bass Turner, Sarah Caroline Turner and John Willis Turner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused; and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

T. I. Medico.

Registered

Commissioner of the General Land Office

M. C. R. 3861.

COPY

Muskogee, Indian Territory, September 5, 1902.

Jackson R. Bevil,

Lane Grove, Indian Territory.

Dear Sir:-

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sallie F. Williams, et al., of which decision you were advised by registered mail on July 23, 1902.

Yours truly,

(SIGNED)

James Birby.

Acting Chairman.

No. ~~1000~~
For Identification as a Mississippi Choctaw.

Date OCT 28 1901

Name Jackson R. Bevil.

Age 39 Blood 5/16 -

Post Office, Long Grove, I. T.

Father; Jack Bevil. d

Mother: Roanna " d
(ROANNA)

Claims through mother.

~~CLAIMS~~

Claims for self
alone,

Stenographer Neal Buford

Choctaw MCR 3862

Charles McDaniel

See MCR 3855

MCR 3862

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 28, 1901.

#3862.

In the matter of the application of Charles McDaniel
for identification as a Mississippi Choctaw.

Applicant represented by L. P. Hudson, Attorney.

Charles McDaniel, being first duly sworn, upon his
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Charles McDaniel.
Q Is there an "s" there? A No sir, M-o-D-a-n-i-e-l .
Q What is your age? A Twenty-eight.
Q What is your post office address? A San Angelo, Texas.
Q What? A San Angelo, Texas.
Q How long have you lived there? A About two year.
Q Where were you born? A Chickasaw Nation.
Q Indian Territory? A Yes.
Q How long did you live in the Chickasaw Nation? A About eight months.
Q Then you went where? A Texas.
Q Have you lived there since? A Yes sir.
Q All the time? A Yes sir.
Q Always in the same place in Texas? A Yes sir, just about the same place.
Q What is your father's name? A Marmaduke McDaniel.
Q What? A Marmaduke McDaniel.
Q M-a-r-m-a-d-u-k-e? A Yes sir.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary.
Q Mary? A Yes sir.
Q Mary McDaniels? A Yes sir.
Q Living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much do you claim? A Five-sixteenth.
Q Have you the proof of the marriage of your father and mother with you? A No sir.
Q Do you know when they were married or where they were married?

(2).

- A No sir, I do not.
- Q Do you know whether they were married by a minister under a license? A No sir, I don't.
- Q Do you think if given time you could introduce the proof of their marriage? A Yes sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians either by the United States Authorities or the Choctaw Tribal Authorities in the Indian Territory? A No sir.
- Q Do you claim through your mother alone? A Which?
- Q Do you claim through your mother alone? A Yes.
- Q Can you tell me how you know you are five-sixteenths Choctaw blood? Can you figure that out for me? A No sir, I don't believe I can. My mother was Gilchrist's daughter.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Lottie McDaniel.
- Q Is she a white woman or an Indian? A Yes sir, she's a white woman.
- Q Do you claim for her? A No sir.
- Q Have you any children you want to make application for? A No sir.
- Q No? A No.
- Q Just claim for yourself? A Yes sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Did you ever make application to be enrolled as a citizen of the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever before this time tried to become a member of the Choctaw Tribe of Indians, by making application either to the Choctaw Tribal Authorities or the United States Authorities? A No sir.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming your right under Article XIV of the Treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article of that treaty? A Well, I understand it about as well as I could.
- Q How many times have you heard it read and explained to-day? A Eleven times, I believe.
- Q How? A Eleven times, I believe.
- Q Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living

with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think after having heard that read and explained a great many times to-day that you understand it? A Yes sir, I think so.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, I don't.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Grandmother.
- Q What? A Grandmother.
- Q What was her name? A Gilcrist.
- Q What is the full name? A Polly Gilcrist.
- Q How do you know she was a Choctaw? A Well, I have been told she was.
- Q Who told you? A My mother.
- Q grandmother-----she was your grandmother? A Yes sir.
- Q Your mother's mother? A Yes sir.
- Q When did your mother tell you that her mother, Polly Gilcrist was a Choctaw? A Well, I don't know.
- Q What? A She's told me-----I don't know when she has told me. She's told me several times.
- Q Told you more than once? A Yes sir.
- Q Did Polly Gilcrist speak the Choctaw language? A I don't know.
- Q How much Choctaw blood did she have? A Half.
- Q Well, now you claim five-sixteenths. Can you tell me how you get that? A No.
- Q Do you claim through any other source than your grandmother, Polly Gilcrist? A And mother.
- Q And your mother? A Yes.
- Q Well, your mother is Polly Gilcrist's daughter? A Yes.
- Q Polly Gilcrist, you say was how much Choctaw? A Half.
- Q Your mother would be a fourth? A Yes.
- Q And you would be an eighth? A Yes. Well, I claim the same as the others has claimed.
- Q Well, I want you to tell me how you get it? A I don't think I can explain it like it should be.
- Q How old would Polly Gilcrist be if she were living now? A I do not know.
- Q When was she born? A I don't know.
- Q When did she die? A I don't know.
- Q Do you know where she died? A Yes sir.
- Q Do you know whether she ever lived in Mississippi? A No sir, I do not know.
- Q Did you ever hear whether she lived in Mississippi or whether any of your Choctaw ancestors lived in Mississippi? A No sir.

(4).

- Q Well then how do you know you are descended from a Mississippi Choctaw ancestor? A Well, I don't know.
- Q Well that's important for your claim. You claim to be a Mississippi Choctaw, descended from a Mississippi Choctaw ancestor, who lived in Mississippi and who had Choctaw blood of course? A Yes.
- Q Do you know whether any of your ancestors lived in Mississippi in 1830? A No sir, I do not.
- Q How old is your mother? A She's fifty-four.
- Q Where was she born? A I don't know.
- Q What was Polly Gilchrist's husband's name? A Joe Turner.
- Q And her married name was Polly Turner? A Yes sir.
- Q Did he ever live in Mississippi? A I do not know.
- Q Do you know through whom Polly Gilchrist claims her Choctaw blood? Through father or mother? A Mother.
- Q What was her mother's married name? A Gilchrist.
- Q What? Polly Turner's mother's name?
- Q Yes, Polly Turner's mother's name, that's it. Was her mother's name also Polly Gilchrist, or Gilchrist, or what was her name if you know? A I don't know.
- Q How much Choctaw blood did Polly Gilchrist's mother have? A Full-blood.
- Q Did she ever live in Mississippi? A I don't know.
- Q Do you know where she was born? A No sir.
- Q When she died? A No sir.
- Q Where she died? A No sir.
- Q Do you know whether any of your Choctaw ancestors lived in Mississippi in 1830 and was the head of a family there at that time? A No sir, I do not.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not as I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1840? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to live in Mississippi, take land there and become citizens of the United States? A Not as I know of.
- Q According to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the Government required that the United States Indian Agent who lived in Mississippi in 1830, should make a list of the names of all Choctaw Indians who came before him within six months from the ratification of the Treaty of 1830, and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States. This United States Indian Agent failed to make a complete list of all who came before him. Ward's Register contains the names of only a few of the total number that complied with that article of that treaty. On account of this negligence on the part of the United States Indian Agent, many Indians who held land in Mississippi and Alabama lost that land and the improvements upon it. They were sold by the United States Government. On account of the complaint made Congress appointed a Commission in 1837 and this Commission went to the state of Mississippi and heard all claimants under Article XIV and made lists of the names of successful claimants. In 1842 another Commission was appointed by Congress for the same purpose. This Commission heard claimants under Article XIV in Mississippi and made lists of the names of successful claimants.

(5).

- Did any of your Choctaw ancestors appear before either of those two Commissions and claim benefits under Article XIV of the Treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Did any of your Choctaw ancestors claim or receive any land as Choctaw Indians under Article XIV of the Treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Did they claim any benefits whatever under any other article of the Treaty of 1830 than Article XIV, or under the supplement of that treaty? A Not as I know of.
- Q According to the provisions of the Act of Congress approved August 23, 1842, it was provided that if any Choctaw Indian appeared before this Commission of 1842 and proved his claim as a Choctaw Indian under Article XIV, and if it also appeared that his land had been previously taken from him, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from Vacant Government land, and that a certificate should be given to him to that effect. These certificates issued at that time were called scrip. Do you know whether any of your Choctaw ancestors received any such scrip from the United States Government as Choctaw Indians? A Not as I know of.
- Q Have you any documents of any kind, affidavits, certified records or papers of any kind that you want to file now with the Commission?

Here L. P. Hudson, Attorney for the applicant, asked leave to file written evidence in support of this claim within the near future.

Motion granted.

- Q Do you speak Choctaw or understand the language? A No sir.
- Q Is there anything more you want to say in support of this claim? A No sir.
- Q What relation are you to Jackson R. Bevil? A Cousin.
- Q To Lou A. Harris? A Second cousin.
- Q Rass Turner? A Nephew.
- Q Nora Castleberry? A Cousin.
- Q Ella Johnston? A Cousin.
- Q Addie Watson? A Cousin.
- Q Sallie F. Williams? A Cousin.
- Q They all claim through the same common ancestor with you, Polly Gilerist, do they not? A Yes sir.
- Q Do you want their testimony taken in connection with yours that you may get the benefit of their records and what they have sworn to? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium dark complexion, gray eyes, dark brown hair. Has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

(6).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Hal Belford

Subscribed and sworn to before me this 17th day of December, 1901.


Commissioner.

COPY

H.C.R. 3862.

Waukegoe, Indian Territory, July 23, 1902.

Charles McDaniel,
San Angelo, Texas.

Dear Sir:

You are hereby advised that on the 23rd, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sallie F. Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Sallie F. Williams, et al.,	H.C.R. 3855
Lou Attie Harris,	H.C.R. 3860
Addie Watson, et al.,	H.C.R. 3856
Ella Johnston,	H.C.R. 3857
Mora Castleberry, et al.,	H.C.R. 3858
Jackson H. Devil,	H.C.R. 3861
Charles McDaniel,	H.C.R. 3862
Ross Turner, et al.,	H.C.R. 3869

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cellie F. Williams, Dora Williams, Velma Williams, Wyatt Harris Williams, Osgood Williams, Lou Athie Harris, Addie Watson, Willie Watson, James C. Watson, Annie G. Watson, Ella Johnston, Nora Castleberry, Garrett Kyle, Charlie Carl Kyle, Jackson R. Bevil, Charles McDaniel, Rass Turner, Sarah Caroline Turner and John Willis Turner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

ED.

T. L. Jackson

Registered.

Commissioner in Charge.

COMMISSIONERS.
HERRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

44-1019
REFER IN REPLY TO THE FOLLOWING

M. C. R. 3842.

Muskogee, Indian Territory, September 5, 1902.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Charles McDaniel,

San Angelo, Texas.

Dear Sir:-

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several person included in the consolidated case of Sallie F. Williams, et al., of which decision you were advised by registered mail on July 23, 1902.

Yours truly,


Acting Chairman.



1002



25/52



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Charles McDaniel,

~~San Angelo, Texas.~~

No. 15852

For Identification as a Mississippi Choctaw.

Date OCT 28 1901

Name Charles M. McDaniel

Age 28 Blood $\frac{5}{16}$

Post Office, San Angelo, Texas.

Father: Marmaduke McDaniel, l.

Mother: Mary " l.

Claims through Mother
wife Lottie — w.

No claim for wife.

~~None~~

Claims for self.

Stenographer H. A. Belford

Choctaw. MCR 3863

Cynthia A. Hill

See MCR 2857

MCR 3863

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 23, 1901.

#3863.

In the matter of the application of Cynthia A. Hill
for the identification of herself and her five minor children,
Ermine, Mark, Annie, Ada, and Robert Hill, as Mississippi Choctaws.

Applicant represented by A. Telle, Attorney.

Appearance by L. P. Hudson.

Cynthia A. Hill, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Cynthia Adams Hill.
Q C-y-n-th-i-a is it? A T-h-i-s.
Q Cynthia A. Hill? A Yes sir.
Q What is your post office address? A Dawson, Texas.
Q D-a-w-s-o-n? A s-e-n.
Q Where were you born? A In Navarro, Texas-----no, in Freestone
County, Texas.
Q Have you always lived in Texas? A Yes sir.
Q What is your father's name? A P. L. Adams.
Q Is he living? A Yes sir.
Q What is your mother's name? A Mary Adams.
Q Mary Adams? A Yes sir, Mary Adams.
Q Is she living? A Dead.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim through your mother? A One-
sixteenth.
Q When and where were your father and mother married? A They were
married in Freestone County, in '87.
Q By a minister under a license? A By a County Judge, I think,
under a license.
Q Have you their marriage license here? A I have not, with me.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw Tribe of Indians by either the Choctaw Trib-
al Authorities or the United States Authorities? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A E. W. D. Hill.

(2).

- Q E. W. D.? A Yes sir.
- Q What is his blood or nationality? Is he a white man? A Yes sir.
- Q Do you claim anything for him? A No sir.
- Q Have you any children that you wish to make application for under twenty-one years of age and unmarried? A Five.
- Q What is the name of the oldest? A Ermine Hill, eight years old.
- Q What's that? A Ermine Hill.
- Q Boy? A Girl.
- Q Five? A Eight.
- Q The next? A Mark Hill.
- Q How old? A Seven years old.
- Q Next? A Annie Hill.
- Q How old? A Nearly-----three I reckon you would call her. She's nearly four.
- Q Four? A Yes sir.
- Q The next? A Ada Hill.
- Q How old is Ada? A Two.
- Q Next? A Robert Hill.
- Q How old? A Three months.
- Q When and where were you married to your husband? A In Navarro County, in '92.
- Q What day of the month? A Twenty-first of January.
- Q Is he the father of these children? A Yes sir.
- Q Are you the mother? A Yes sir.
- Q They are all living with you at your home? A Yes sir.
- Q Were you married by a minister under a license? A Yes sir.
- Q You claim for yourself and these children do you? A Yes sir.
- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation Indian Territory? A No sir.
- Q Have you ever made application for citizenship for yourself or children in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir.
- Q Have you ever made application for enrollment as members of the Choctaw Tribe of Indians for yourself and children to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation or these children, by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made either to the Choctaw Tribal Authorities or to the Authorities of the United States for the enrollment of yourself and children as Choctaw Indians? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and these children as Choctaw Indians claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir, I think I do.
- Q You have heard it explained have you and read? A Yes sir.
- Q Would you like a further explanation and reading of it? A Well, if you like.
- Q Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or

(3).

she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now as you have heard that article read a number of times and explained do you know whether any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of that article of that treaty? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A You mean the?
- Q The ancestor? A It was Elizabeth Smith. Elizabeth Blakeley. Elizabeth Smith was Elizabeth Blakeley's mother.
- Q Well, is Smith the married name or the maiden name? A Elizabeth Blakeley claimed to be half Choctaw.
- Q And that is the married name? That is not the maiden name is it? A No sir.
- Q How much Choctaw blood did she have? A She was a fullblood Choctaw.
- Q Did she ever live in Mississippi or Alabama? A Yes sir, she lived in Mississippi.
- Q Did she live there in 1830? A I think she did.
- Q How old would she be if living now? A She's be something over a hundred years old. I don't know exactly.
- Q Do you know when she was born? A No sir. I know when Elizabeth-----no, I don't know when she was born.
- Q Did she speak the Choctaw language? A I have been told that she did.
- Q Been told in the family? A Yes sir.
- Q Did you hear that she was a fullblood from members of the family? A Yes sir, and outsiders too.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Well, I don't know.
- Q Do you know whether she was living in Mississippi in 1830 and had children there at that time? A I think she was.
- Q Did you hear so in the family? A Yes sir.
- Q Through what members of the family did you hear, if you remember? A Well, I have heard it through my aunt and then through a friend of the family.
- Q What is your aunt's name? A Mrs. Adams.
- Q Mrs. What? A Adams.
- Q Has she made application here for identification? A Yes sir.
- Q What is her full name? A Sallie Adams, Sarah M.
- Q When did she make application? A Sometime in July, I think.

(4).

- Q Is William J. Adams your son? A Brother.
- Q He made application for identification to-day, did he not? A Yes sir, I think so.
- Q What other relatives of yours have made application here? A Mrs. Adams and two sons.
- Q Do you know the names? A Merlin C. and J. D. I believe.
- Q Any others? A And then Mrs. McAllester.
- Q What is the full name? A R. T. McAllester, I believe. Temple McAllester it is.
- Q Temple? A Yes sir.
- Q Any others? A She has two sons and a daughter.
- Q Have they made application here? A Yes sir. Edwin E. Boyd and J. K. Boyd.
- Q They have all appeared before the Commission have they? A Yes sir.
- Q Claiming through the same common ancestor, Elizabeth Smith? A Yes sir.
- Q Do you want to have the testimony taken in their cases considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.
- Q Did any of your Choctaw ancestors ever claim any interest in land or receive any land from the Government as Choctaw Indians under Article XIV of the Treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any benefits under any other article of the treaty of 1830 than article XIV of that treaty, or under the supplement of it? A Not that I know of.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory between 1833 and 1838? A Not that I know of.
- Q Did they ever own any land in Mississippi or Alabama that they received from the Government of the United States as Choctaw Indians? A Not that I know of.
- Q Did they ever, any of them, within six months from the ratification of the Treaty of 1830, go to the United States Indian Agent and tell him they wanted to take land there? A No sir, I think not.
- Q You claim through your mother do you not? A Yes sir.
- Q How old would she be if she were living now? A Fifty-Seven years old.
- Q Where was she born? A In Mississippi, Newton County.
- Q Newton County? A Yes sir.
- Q What place in Newton County, do you know? A Near Hickory, I think, in the Country.
- Q Through whom does she claim her Choctaw blood? Father or mother? A Her mother.
- Q What was her mother's name? A Mary Williamson, married name. Mary Blakeley was her maiden name.
- Q How much Choctaw blood did she have, do you know? A One-fourth.
- Q She claimed her Choctaw blood through which ancestor? A Her mother, Elizabeth Blakeley.
- Q And her maiden name was what? A Elizabeth Smith.
- Q And her mother's what? A Married name Elizabeth Smith. Maiden name, I don't know.
- Q She was named after her mother Elizabeth was she? A Yes sir.
- Q Do you know how old Elizabeth Smith Blakeley would be if she were living now? A Something over a hundred years old. I don't know exactly.
- Q You don't know exactly when she was born, or where? A In Mississippi I think, but I don't know.
- Q According to the provisions of Article XIV of the Treaty of 1830 the United States Indian Agent, of the Choctaw Indians in Mississippi, Colonel Ward, was instructed to record the names upon lists of all of the Choctaw Indians who came before him within six months

(5).

from the ratification of the Treaty of 1830 and declared their intentions of remaining in Mississippi and becoming citizens of the United States. The Indians Agent, Colonel Ward, failed to make a complete list of all those Choctaw Indians who complied with the provisions of Article XIV in reference to making declarations within six months from the ratification of that Treaty, so that his list known as Ward's Register is very meager. There were a great many Indians whose names were not recorded upon any list or lists and this negligence on the part of this Agent caused a great many Indians who had land in Mississippi to lose their land. It was sold by the Government at its public land sales. This caused a great deal of distress among the Choctaw Indians, so that in 1837, on account of the complaints that were made among the Indians, Congress appointed a Commission. This Commission went to the State of Mississippi and made a list of all Choctaw Indians whose claims were approved. This Commission heard a great many claimants under Article XIV. In 1842 another Commission was appointed by Congress for a similar purpose, and this Commission also heard all claimants under Article XIV who came before it and made lists of the names of successful claimants. Did any of your Choctaw ancestors appear before either of those Commissions, that of 1837 or the Commission of 1842 and claim any benefits under Article XIV of that treaty? A Not that I know of.

- Q The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian appeared before that Commission of 1842 and proved his claim under Article XIV, if it also appeared that he had had his land taken from him by the Government, that he should be entitled to select land either in Alabama, Mississippi, Louisiana or Arkansas to be taken from vacant Government land, and that a certificate to that effect should be issued to him. Those certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the United States Government? A No sir, not that I know of.
- Q Have you any documentary evidence that you would like to introduce now in support of your claim? A No sir.

Here, L. P. Hudson, in behalf of A. Talle, attorney for this applicant, asked leave to file written evidence in support of this claim in the near future.

Reasonable time will be allowed this applicant on which to produce documentary evidence.

- Q Do you understand or speak the Choctaw language? A No sir.
- Q Is there anything more you want to say in support of your claim. Anything more you can think of? A Not that I know of.

Sarah M. Adams, being called as witness in the above entitled cause and having been first duly sworn, upon her oath testifies as follows:

(6).

Examination by the Commission.

- Q What is your name? A Sarah M. Adams.
Q What is your post office address? A Colorado Texas. Colorado City, Texas.
Q Sarah A. Adams is it? A "M".
Q How long have you lived there in that place? A Well, about five months I suppose.
Q Have you made application before the Commission for identification yourself? A Yes sir.
Q When did you appear before the Commission? A In July.
Q Here at Atoka? A Yes sir.
Q What is your age? A Fifty-two.
Q Do you know this applicant, Cynthia A. Hill? A Yes sir.

By Attorney.

- Q Now, if any way, is she related to you, Mrs. Adams? A She's a niece, Sister's daughter.
Q And she is claiming through the same common ancestor that you are is she? A Yes sir.
Q And what is the name of that ancestor? A The first original ancestor?
Q yes. A Elizabeth Smith.

Witness excused.

This applicant has the appearance and physical characteristics of being descended from white parentage, except dark complexion, black eyes, and black hair. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 21 day of December, 1901.

Hal Belford
[Signature]

Commissioner.

Miss. Choctaw 23063

Muskogee, Indian Territory, July 12, 1902.

R. W. D. Hill,
Dawson, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 30 in which you ask ~~when~~ ^{the} case of Tempie McAlister, et al., applicants for identification as Mississippi Choctaws, will be closed and when you may expect a decision therein.

In reply to your letter you are informed that no decision has yet been reached nor opinion rendered relative to the rights of the various applicants for identification as Mississippi Choctaws included in the consolidated case of Tempie McAlister, et al., but it is probable that this case will be taken up for consideration and a decision rendered in the near future. As soon as such a decision is rendered the applicants will each be notified of the action of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

N.C.R. 3863.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cynthia A. Hill,

Dawson, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipsen, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al.,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al.,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Laddie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 2863.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Cynthia A. Hill,

Dawson, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

T. B. Neeldies.
Commissioner in Charge.

MCR 3863

Muskogee, Indian Territory, December 6, 1906.

Cynthia A. Hill,
Dawson, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw

Date OCT 28 1901

Name Cynthia A. Hill

Age 32 Blood 1/6

Post Office, Dawson, Texas

Father: P. L. Adams, l

Mother: Mary W. " d

Claims through Mother
Husband
E. W. D. Hill w

No claim for husband

Children:

Ermine Hill (girl) 8

Mark " 7

Annie " 4

Ada " 2

Robert " 3 m

Claim for self &
Children

Stenographer Hal Bedford.

Choctaw MCR 3864

Penny Jackson

MCR 3864

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Penny Jackson for
identification as a Mississippi Choctaw, M.C.R. 3864.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Penny Jackson.

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Original application of Penny Jackson before the Dawes Commission for identification as a Mississippi Choctaw	1
Decision of the Commission denying the application of Penny Jackson for identification as a Mississippi Choctaw	7

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Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, October 29, 1901.

#3864.

In the matter of the application of Penny Jackson for
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Penny Jackson, being first duly sworn, upon her oath
testifies as follows:

Examination by the Commission.

- Q What is your name? A Penny Jackson.
Q Fannie Jackson? A Penny.
Q P-e-n-n-y? A Yes sir.
Q How old are you? A Fifty-six years old the tenth of August past.
Q What is your post office address? A Atoka.
Q Indian Territory? A Yes sir.
Q Where were you born? A I was borned in Arkansas, but my people
come from Mississippi into Arkansas just about a couple of months
before I was born.
Q How long did you live in Arkansas? A I lived there I reckon till
I was about eight years old.
Q Then where did you go? A We moved over into Louisiana-----my
mother did.
Q How long did you live in Louisiana? A I lived in Louisiana
twenty-three years.
Q And then went where? A The white people led us off to Texas.
Q Where did you go to in Texas? A Fannin County, and Lamar County
and Grayson.
Q And from Grayson you came here? A We come from Denison over
here. Yes that's Grayson County.
Q How long have you lived in Atoka? A I been living here now going
on seven years.
Q Seven? A Yes sir.
Q What is your father's name? A My father's name was Gilbert Clem-
ens, but they called him Grayson.
Q What was his real name? A Gilbert Clemens.
Q Clemens? A Yes sir.
Q C-l-e-m-e-n-s? A Yes sir.
Q Is he dead? A Yes sir.
Q Is your mother dead? A Yes sir, she died when I was eight years
old.

(2).

- Q What was her name? A Her name was Mary Jane Griffe.
- Q Well, Mary J. Clemens, wasn't it? A No, my father wasn't married to her.
- Q Mary Jane Griffe? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A My mother's side.
- Q How much Choctaw blood do you claim? A My mother was a half--breed. Well, she called herself three-quarter breed.
- Q What do you claim? A I don't know how much I claim. I don't know.
- Q Don't know? A No sir, I don't know how much it is.
- Q Well, you claim three-quarters for your mother, or half? A Half for my mother, I guess.
- Q Then you claim a quarter don't you? A Yes sir.
- Q You had a half of a half-----that's a quarter. You say your father and mother were not married? A No sir.
- Q Was your father a slave before the war? A Yes sir.
- Q Was your mother? A No sir.
- Q But I suppose they were married before the war, were they? A My mother married a white man before the war.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities? A Not as I know of. I was small when she died.
- Q Are you married? A Yes sir.
- Q Husband living? A Yes sir.
- Q What is his name? A Louis Jackson.
- Q What is he? A colored man? A Yes sir.
- Q Do you make any claim for him? A No sir.
- Q Have you any children under twenty-one years of age and unmarried you want to make application for? A No sir.
- Q Just for yourself alone? A Just for myself alone.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, first time it's ever been enrolled.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No sir, not before, I haven't.
- Q Have you ever made application for enrollment as a Choctaw Citizen to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir, never in my life.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A Not as I know of.
- Q Have you ever before this time made application for citizenship in the Choctaw Nation either to the Choctaw Tribal Authorities or the authorities of the United States? A No sir, this is my first.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming benefits under Article XIV of the Treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article of that treaty of 1830? A No sir I do not. I am not educated.
- Q Have you heard it explained? A No sir, I haven't.
- Q The Article referred to-----Article XIV of the Treaty of Dancing Rabbit Creek-----was put into that treaty of 1830 in order to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation, which was partly in Mississippi and partly in Alabama, and refused to come to the Indian Territory

(3).

when the other Indians came between 1833 and 1838. The treaty of 1830 of which Article XIV was a part was made between the old Choctaw Tribe of Indians and the United States Government for the purpose of getting all of these Choctaw Indians in the old Choctaw Nation to leave that part of the country east of the Mississippi River and come West of the Mississippi River, to the new Choctaw Nation, Indian Territory, but because some of them wouldn't remove with the other Indians who did remove afterwards, Article XIV was drafted and inserted into this Treaty. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article do you? A Yes sir, part of it.
- Q Well, as you have heard it read and explained do you know whether any of your Choctaw ancestors complied or tried to comply with the provisions of that article as read? A Not as I know of I don't.
- Q What is the name of your ancestor, I mean now your kin you know, grandfather, grandmother, great-grandfather, great-grandmother etc., who lived in Mississippi through whom you claim the right to be identified? A My grandmother was named Taylor. I was very small when she died, but from what I can find out from mother, her name was Eliza Taylor.
- Q Eliza Taylor? A Yes sir.
- Q What relation was she to you? A My grandmother.
- Q Your grandmother? A Yes sir.
- Q Your mother's mother? A Yes sir.
- Q Did she live in Mississippi? A Yes sir, and they come away to Arkansas, and then come out to this country somewhere.
- Q What was her husband's name? A I don't know.
- Q What was her father's name? A My mother?
- Q No, Eliza Taylor? A I don't know any more than Taylor.
- Q You don't know her mother's name? A Just any more than Eliza Taylor.
- Q I mean Eliza Taylor's mother? A I don't remember her name.
- Q How much Choctaw blood did she have? A She was a full-blood.

(4).

- Q Lived in Mississippi? A Yes sir.
- Q Live there in 1830? A Yes sir.
- Q Did she have children there at that time? A No sir.
- Q You don't know her husband's name? A No sir.
- Q Did she speak the Choctaw language? A Yes sir.
- Q Did she have an Indian name? A Yes sir.
- Q What was her Indian name? A You mean Choctaw name?
- Q yes, Choctaw name? A That's all the name I know just Eliza Taylor.
- Q How do you know she spoke the Choctaw language? A Well, they said it was Choctaw.
- Q Who said she spoke Choctaw? A I couldn't go on and remember to tell who all told me.
- Q When did you live in Mississippi? A Oh, I never did live there. I was born across the line in Arkansas.
- Q Do you know where in Mississippi Eliza Taylor was born? A No sir I don't.
- Q Do you know when she was born? A No sir.
- Q When and where did she die? A She died in Arkansas.
- Q When? A Eliza Taylor-----she come out here to this country somewhere, but I don't know what place.
- Q Do you know when she died? A No sir.
- Q Now you claim through your mother? A Yes sir.
- Q Your mother's name was Mary J. Griffo? A Yes sir.
- Q Did she marry a man named Griffo? A Yes sir.
- Q Whiteman? A Yes sir.
- Q Well, your father was Gilbert Clemens? A Yes sir.
- Q A colored man? A Yes sir.
- Q Was Eliza Taylor your mother's mother's name? A Yes sir.
- Q Now when did your mother die? A My mother died when I was eight years old.
- Q Where? A It's been near fifty years since my mother died. I am fifty-six years old.
- Q Now where did she die? A She died in Arkansas.
- Q Where was she born? A She was born in Mississippi I reckon.
- Q Do you know? A No sir.
- Q Did your grandmother or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I couldn't tell you to save my life.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838 or 1840? A Yes sir.
- Q Who went? A Grandma Taylor went and her children part of them went.
- Q Went from Mississippi to this Choctaw Nation? A Yes sir, from Mississippi to this Choctaw Nation.
- Q When did they go? What year? A I don't know what year it was Judge.
- Q Couldn't tell? A No sir.
- Q Well now, did your grandmother, Eliza Taylor go from Mississippi first to Arkansas and then to the Indian Territory? A Yes sir.
- Q How long did she live in Arkansas? A She was there I reckon about a year or two years.
- Q Did her husband go with her do you know? A No sir, she was a widow woman when she come over.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and

(5).

take land there and become citizens of the United States? A I don't know.

- Q Did any of your Choctaw ancestors claim or receive any land in Mississippi from the Government under Article XIV of the Treaty of 1830? A I couldn't tell you that either.
- Q Did any of your Choctaw ancestors receive any land or any benefits, or anything from the United States Government under any other Article of the Treaty of 1830 than Article XIV, or under the supplement of that treaty? A I couldn't tell you that.
- Q According to the provisions of Article XIV of the Treaty of 1830 the United States Indian Agent, Colonel Ward, who lived in Mississippi in 1830, was instructed by the Government to make a list of the names of all Choctaw Indians who came before him within six months from the ratification of that treaty and told him that they wanted to stay in Mississippi and take land there and become citizens of the States. This United States Indian Agent made a list of the names of claimants who came before him, which list is contained in what is known as Ward's Register, but that list has less than one hundred names of Indians who were heads of families when many hundreds and perhaps thousands of Indians applied to him and should have had their names placed upon lists made by him. His failure to make a complete list of the names of all claimants who came before him for the purpose of making declarations of intention to stay in Mississippi and take land there under Article XIV caused a great many Indians who held land in Mississippi and Alabama to lose both land and improvements upon it and they were sold at public land sales. This caused great distress among the Indians and a great many complaints, so that in 1837 Congress appointed a Commission by Act approved March 3, of that year, and this Commission went to Mississippi and heard claimants under Article XIV. In 1842 another Commission was appointed by Congress for the same purpose and this Commission heard claimants under Article XIV of the Treaty of Dancing Rabbit Creek. Do you know whether any of your Choctaw ancestors appeared before either of those two Commissions, that of 1837 or the Commission of 1842 and claimed benefits under Article XIV of the Treaty of 1830? A No sir, I don't know.
- Q The Act of Congress approved August 23, 1842 provided that if any Choctaw Indian came before this Commission of 1842 and proved his rights under Article XIV of that treaty, if it also further appeared that he had previously had his land taken from him by the Government, that he should be entitled to select land either in Alabama, Louisiana, Arkansas, or Mississippi, and that he should receive a certificate to that effect. These certificates were called scrip in those days. Do you know whether any of your Choctaw ancestors received any such scrip from the Government of the United States as Choctaw Indians? A No sir, I do not.
- Q Have you any documentary evidence with you? A No sir.
- Q You have no documentary evidence, no affidavits or anything of that kind? A No sir.

reasonable time will be allowed this applicant in which to file proper documentary evidence in support of this application she makes in her own behalf.

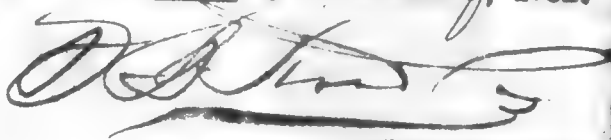
(6).

- Q Do you speak or understand the Choctaw language? A No. Some things I do.
- Q Well, can you talk Choctaw with an Indian so as to carry on conversation? A No sir.
- Q Is there anything more you want to say in support of your application? A No sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry of partly Negro and partly Choctaw. Her hair is gray, but she says formerly black, and is quite straight. She has very high cheek bones and other apparent features of Choctaw blood. She does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on October 29, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of October, 1901.

Subscribed and sworn to before me this 21 day of December, 1901.

Hal Belford

Commissioner.

J. F. M.
C. v. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---q---

In the matter of the application of Penny Jackson for
identification as a Mississippi Choctaw, M.C.R. 3884.

--: D E C I S I O N :--

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Penny Jackson for herself, under the following provision of the
act of Congress approved June 28, 1898 (30 Stat., 498):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw lands
under article fourteen of the treaty between the United States
and the Choctaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
therein and make report to the Secretary of the Interior."

It also appears that the said applicant claims rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descendant
of one Eliza Taylor, who is alleged to have been a full blood Choctaw

(2)

Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that the said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Eliza Taylor, or a less remote ancestor of the applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim in rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 180) and August 22, 1842 (5 Stat., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Penny Jackson as a Choctaw Indian entitled to rights in the Choctaw lands

(3)

under the provisions of said article fourteen of the treaty of 1830, and that the application for her identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



Acting Chairman.

Commissioner.



Commissioner.

Muskogee, Indian Territory,

AUG 11 1902

COPY

Muskogee, Indian Territory, August 11, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Penny Jackson, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Penny Jackson, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830,, and that the application for her identification as such should be refused, and it is so ordered."

M MCM & C-2.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tame Dixby.

Acting Chairman.

M McN & C-2.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tame Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, August 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Penny Jackson, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of August 11, 1902.

The Commission has the honor to report that the applicant and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamr E. E. E.

Acting Chairman.

Through the Commissioner
of Indian Affairs.
1 enclosure.

COPY.

Muskogee, Indian Territory, August 11, 1902.

Penny Jackson,

Atocha, Indian Territory.

Dear Madam:

You are hereby advised that on the 11th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Penny Jackson, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Penny Jackson, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for her identification as such should be refused, and it is so ordered."

P J-2.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tamc Dixby.
Acting Chairman.

Registered.

Copy.

Land.
48,775-1902.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, October 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of Penny Jackson who made application to the Commission for identification as a Mississippi Choctaw Indian entitled to rights in the lands of the Choctaw Nation.

The applicant's testimony is all of the evidence that is introduced in support of her said claim.

This evidence shows that she is not a Choctaw Indian of the full blood.

She claims to have derived her Choctaw blood through her mother whose name was Mary Jane Griffo and avers that her mother's mother was named Eliza Taylor and says she was a full blood.

This applicant knows but little relative to the 14th article of the treaty of 1830 and knows of no compliance with the provisions thereof on the part of her alleged ancestors and an examination of the office records does not show that any of the ancestors mentioned by her ever complied with the provisions of said treaty or received a patent for lands thereunder, and the office is

of the opinion that the decision of the commission rejecting the application of said Penny Jackson is correct, and recommends that it be affirmed by the Department.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

(W.C.B.).

P.

D.C.19525-1902.

Copy.

BAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD.6131-1902.

October 16, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

August 11, 1902, you transmitted the record in the matter of the application for identification of Penny Jackson as a Mississippi Choctaw.

The applicant endeavors to trace her descent from one Eliza Taylor, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

It appears that the applicant has never been admitted or enrolled as a citizen of the Choctaw Nation, and it is not shown that said Eliza Taylor, or a less remote ancestor of the applicant complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application August 11, 1902.

The Acting Commissioner of Indian Affairs forwarded the papers October 6 and recommended that your decision be approved. A copy of his letter is inclosed.

-2-

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

EMD.

1 inclosure.

Muskogee, Indian Territory, October 29, 1902.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Penny Jackson; of which decision you were advised by letter on the 11th day of August, 1902.

Respectfully,

W. B. L. S.
Acting Chairman.

COPY

M.C.R. 3864

Muskogee, Indian Territory, October 29, 1902.

Penny Jackson,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that on the 16th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw; of which decision you were advised by registered mail on the 11th day of August, 1902.

Respectfully,

W. C. R.

W. C. R.
Acting Chairman.

For Identification as a Mississippi Choctaw.

Date OCT 29 1901

Name Penny Jackson.

Age 56 Blood 1/4

Post Office, Atoka, I. T.

Father: Gilbert Clemens, d.

Mother: Mary J. Giffon d.

Claims through mother
Husband Louis Jackson, neg.

No claim for husband

Children: -

Claims for sup
alone -

Stenographer Noel Belford

END

